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Senate

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, how excellent is Your Name in all the Earth. As our Senators face today's challenges, help them to trust in Your goodness. May their faith in You prompt them to wait for the unfolding of Your providence. Remind them that all things work together for good to those who love You and strive to do Your will. Continue to be their refuge, an ever-present help for life's challenges. Renew their strength, enabling them to soar like an eagle, to run and not be weary, to walk and not faint. Infuse them with a reverential awe that will strengthen them to honor You with their thoughts and words. When facing temptations, enable them to keep themselves pure.

And, Lord, we pause to remember today the supreme sacrifice of Officer Jacob Chestnut and Detective John Gibson, who died defending this Capitol against an armed intruder. Bless the families they left behind with Your divine comfort.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 24, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to conclude action today—in fact, this morning—on the higher education authorization measure. It is a very important piece of legislation. We have not done this in 3 years. It is important this be completed.

The good news I received walking into the Chamber today is it appears we will not have a vote on final passage. So that is really good work. Further, it underscores my repeated compliments of Senators KENNEDY and ENZI for their true bipartisanship. This is the second bill in a row they have managed, and they have done a tremendously important and good job in getting the bills done in regular order.

Once we complete action on this education matter, we will move to the Homeland Security appropriations bill. Today, at 3:40 p.m., the Senate will observe a moment of silence in memory of Detective Gibson and Officer Chestnut. A wreath-laying ceremony will take place at the Memorial Door at 3:30 p.m. I encourage Members to come to the Chamber at 3:40 p.m. to observe this moment of silence.

ORDER FOR MOMENT OF SILENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate observe a moment of silence at 3:40 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. REID. Mr. President, I also ask unanimous consent that the Senate stand in recess today from 12:30 p.m. to 2:15 p.m. for our weekly party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING DETECTIVE JOHN GIBSON AND OFFICER J.J. CHESTNUT

Mr. REID. Mr. President, I wish to say a brief word about a couple of matters. As we heard in the prayer offered by Admiral Black, some will remember that day 9 years ago when these two officers were killed. I remember it for a number of reasons, not the least of which, when I attended law school, I went to law school during the daytime and worked a full-time swing shift, a night shift, as a Capitol police officer. My service as a Capitol policeman was not one where I showed any bravery or courage or any valor; I was directing traffic much of the time. That was the most dangerous job I did.

But 9 years ago today, two police officers did exemplify courage and valor. These two Capitol police officers, Special Agent Gibson and Officer Jacob Chestnut, were stationed by the east entrance on the House side. At 3:40 in the afternoon, a man with a gun tried

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to force his way past them. When Officer Chestnut blocked his path, the gunman shot him point-blank in the chest and killed him. Special Agent Gibson then warned nearby tourists and staff to seek cover. In fact, he chased the gunman down the hallway. He was headed for the House leadership's office. When they exchanged gunfire, one tourist was hit. Officer Gibson was also hit and died from his wounds, as did Officer Chestnut.

A plaque has been placed in the Capitol Building where the confrontation took place, and their names are carved in the National Law Enforcement Officers Memorial recognizing their sacrifice.

I knew Officer Gibson. Senate Democrats had a retreat. During that retreat, my wife became very ill one night. Special Agent Gibson was the first one there. He was carrying all the resuscitation equipment. He was sweating. He had run from the office where the police were stationed to take care of my wife. I remember how kind, thoughtful, and considerate he was, and how gentle he was.

I didn't know Officer Chestnut other than exchanging greetings when I met him, but his reputation was outstanding, and his actions that day proved his enormous strength of character.

I think of the brave police officers who protect me every day, Mr. President, with the skill and hard work I see firsthand each day. I also think of all the law enforcement men and women who keep this building and those who serve within it safe. We should all be grateful, but I am grateful beyond words.

So on this somber anniversary, I will lay a wreath and observe a moment of silence for these two heroic men we lost. Our hearts, and certainly our thoughts, are with the families of Special Agent Gibson and Officer Chestnut. I have met their families on a number of occasions. We hope that remembering them is some comfort to them that the sacrifice of their loved ones will be forever remembered with our gratitude and utmost respect.

SENATE SCHEDULE

Mr. REID. Mr. President, I have not had a chance to convey this information to the distinguished Republican leader. I have not had time because the decision was just made this morning. I want to go over the calendar for the remainder of this year.

We, of course, know what we have to do this week and next week. We need to complete the work on the Homeland Security appropriations bill, which is so important, with the 9/11 recommendations to become effective soon, and we have the National Intelligence Estimate report just rendered which indicates we have to be vigilant at home. We must complete the appropriations bill dealing with homeland security before we leave this work period.

We also need to do our work on SCHIP, children's health care. The Finance Committee, on a very bipartisan vote—17 to 4—passed that matter out of committee. It was led by Senators GRASSLEY, BAUCUS, ROCKEFELLER, and HATCH. What came out of that committee has been a compromise. That is how bipartisanship works. As reported in the Congressional Daily yesterday, that matter should have more than 60 votes. So if there is, in fact, an effort to slow that bill down, it appears on a bipartisan basis we can move it forward. It is certainly important legislation, and we need to complete it.

We also, as I just mentioned, need to complete the conference report dealing with the 9/11 Commission recommendations. We expect that to be passed in the House this week. The conference committee, basically, has wrapped up all its work on that bill. It has been very heartwarming that the conference has been led by Senators LIEBERMAN and COLLINS, and we had an actual conference, just as we used to have around here all the time. The first conference committee meeting was mobbed with press looking in. That is the way it used to be. A real conference report will come out of that conference committee, and that is very important.

Finally, we are going to complete the ethics legislation. I want to tee up so that when we come back in September, we will have some work to do without looking for something to do. What I would like to do is move to the VA-Military Construction appropriations bill. We will do that one way or the other. I hope on a motion to proceed that I will not have to file cloture, but if I have to, that is what I will do. So when we get back in September, we will have something to work on.

Let's talk about September. Whenever we leave here, Mr. President—and, as I have indicated, I hope it is next Friday, but that may not be the case if we have to do some extra days to complete our work—when we come back, of course, September 3 is a holiday, so we will come back on September 4. September 4 will be treated as most of our Mondays are treated. We will have a vote at 5:15 p.m. or thereabouts that evening, and we will work that week.

On September 10—everyone is on notice—we will be in session that day, and we will have votes before noon. It is not going to be 5:15 p.m. Everyone knows that is going to be an early vote day. Why? Because on September 10, 11, and 12, we will have full work days. We have to complete our work by 6 o'clock on September 12 because that is the beginning of the Jewish holiday, Rosh Hashanah. We will be out of session September 13 and 14. There will be no votes on Monday, September 17. It will be a work day, but we will not have votes. And then we are going to work the remainder of that week, the remainder of the next week, and the remainder of the next week. We could have—and I will try to give the distinguished Republican leader and all Sen-

ators notice—we may, because of what we are working on, have to have some Monday votes earlier than 5:15 p.m. We will try to announce it a week ahead of time so people can make arrangements.

Then, on October 8, which is a holiday, Columbus Day, we are going to have that as a home State work period. That whole week, we are going to be out of session; that is, October 9, 10, 11, 12, we will be out of session. We will come back on October 15 and work that day. We will have votes on October 15. I don't expect early votes. We will have votes on the 15th. We hope we can complete work for the session by November 16. If we cannot, then we have to come back. We will come back on December 3 and complete our work. That will give us 3 weeks before Christmas. I hope we don't have to do that. I think it will be good for everybody if we can complete our work on November 16.

I say to my friend, the distinguished Republican leader, if he has any questions about this, I will be happy to answer them. I apologize for not being able to give this information to him first, but the decision I was waiting to make was what to do on September 17, as to whether that will be a vote day. We decided it will not. I am now in position to state this publicly.

WOUNDED WARRIOR AMENDMENT

Mr. REID. Mr. President, before I leave the podium, I wish to say a couple words about another important piece of legislation.

Earlier this year, Americans were shocked by reports of the crisis at Walter Reed and other armed services medical facilities. It wasn't just Walter Reed, but that was the picture everyone saw. We learned that many of our courageous men and women wounded in service to our Nation were receiving unacceptably poor treatment and care upon their return to our shores.

I learned from this morning's news that there is a big lawsuit filed by Afghan and Iraqi veterans. Hundreds of thousands have joined together in a lawsuit against the Veterans' Administration. I do not procedurally understand how that is going to go forward, but it was in the morning headline news.

There is now, according to this news report, about a half a million backlog requests for Iraqi veterans to get care.

We learned during the early look at Walter Reed and other facilities not only was the veterans' care system ripe for bureaucratic failures, but even the physical facilities failed to meet a minimal level of acceptable quality.

The American people were outraged by these facts, and I am glad to say the Senate took prompt action. The Armed Services and Veterans' Affairs Committees held a rare joint hearing to identify the best ways to make right the existing failures and to prevent similar injustices from ever happening again. Members of these committees

worked together in an entirely bipartisan manner. Last month, they introduced the Wounded Warriors bill, which was entered as an amendment to the Defense authorization bill. The Wounded Warrior amendment addresses the substandard facilities, which we have all read about and have visited, such as Walter Reed, and the lack of seamless transition when medical care for troops is transferred from the Department of Defense to the Veterans' Administration, which often leads to diminished care.

The legislation also looks at the inadequacy of severance pay to help those who have sacrificed so much already to support their families while they recover, and the need to improve sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

It addresses the inadequate care and treatment for traumatic brain injury and post-traumatic stress syndrome by authorizing \$50 million for improved diagnosis, treatment, and rehabilitation. We saw this problem highlighted, as I have indicated, in the morning news. There are a number of stories about that, but the main story is in the L.A. Times, which cited a report by a special Pentagon task force showing that 38 percent of soldiers and 50 percent of National Guard members come home from Iraq and Afghanistan with mental health issues. Yet only 27 of these 1,400 VA hospitals have inpatient post-traumatic stress disorder programs.

Finally, the Wounded Warrior legislation provides support for wounded troops whose health insurance programs, such as the TRICARE program for retired veterans, have allowed gaps in medical coverage and treatment.

In the next few days, I intend to take the Wounded Warrior amendment from the Defense authorization bill—there were additions made to that from the time it left committee—and I will seek unanimous consent that we pass it now. The rest of it, with rare exception in the Defense authorization bill, if we passed it yesterday, wouldn't kick in until the beginning of the fiscal year. But the Wounded Warrior amendment legislation becomes law upon passage and approval. I hope we can do that. This would make these provisions immediately effective when the President signs this. Given the immediate care these people need, and the immediate need to act on the Wounded Warrior amendment, which has overwhelming bipartisan support, I am hoping we can all work together to pass it before we leave here. If we have to do it by unanimous consent, I hope we can do that.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BIPARTISAN ACCOMPLISHMENTS

Mr. MCCONNELL. Mr. President, to pick up on some of the observations of the majority leader, bipartisan accomplishments have been altogether too rare this year, but we do have an opportunity here in the next 2 weeks, as he has indicated, to do some good work on a bipartisan basis, and a good example of that will be later this morning.

I commend Senator KENNEDY, and particularly Senator ENZI, for their leadership on this higher education bill. That is a classic example of how we ought to operate more often in the Senate, and I hope we will reach that high standard more frequently for the balance of the year.

SUPPORTING AMERICA'S GLORIOUS FABRIC

Mr. MCCONNELL. Mr. President, from America's earliest days, bravery has been essential. A group of courageous farmers were the first to stand against the British. The Declaration of Independence was a death warrant for anyone who signed it. The Constitutional Convention took place in a shuttered room. The Founders were brave, and they knew bravery would be needed to maintain what they had built. As Washington wrote when the veterans of 1776 began to pass away:

Thus some of the pillars of the revolution fall. May our country never want props to support the glorious fabric.

We remember today two men who supported the glorious fabric of our country. Jacob Joseph Chestnut and John Gibson gave their lives on a Friday afternoon while standing sentry at the gates of this great citadel of liberty. The Chambers had fallen silent for the week, staffers were celebrating the passage of a law, tourists were studying old plaques, and the President was getting ready for a weekend trip to his camp when a madman pierced the calm routine of daily life in Washington, and a brave grandfather and young father stood strong against him.

Their heroism was duplicated by the Senator-surgeon who tried to keep the killer and his victims alive, by the British tourist who rushed to one of the victims' side to hear his last words, by the horde of officers who rushed the gunman. When the flags fell, thousands of Americans called the Capitol to grieve. Thousands more showed up to mourn the fallen officers and to honor the ideals they died for. An act of savagery had roused a nation to mercy and compassion. It was an instinct we would see again on an even darker day 3 years later.

We are grateful for the lives of these good men and for their sacrifice. They were not sunshine patriots. They were brave Americans who stood their ground, as Americans so often do, to ensure that the ceremony of freedom would go on. It does. It will. And they will not be forgotten.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

HIGHER EDUCATION AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1642, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1642) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

Pending:

Coburn amendment No. 2369, to certify that taxpayers' dollars and students' tuition support educational rather than lobbying activities.

Kennedy amendment No. 2381 (to amendment No. 2369), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The senior Senator from Massachusetts is recognized for 10 minutes.

AMENDMENT NO. 2381, AS MODIFIED

Mr. KENNEDY. Mr. President, I have a modification to my amendment that is at the desk, and I ask unanimous consent that the amendment be modified.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 2381), as modified, is as follows:

Strike all after the first word, and insert the following:

— DEMONSTRATION AND CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

(a) PROHIBITION.—No Federal funds received by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

(b) APPLICABILITY.—The prohibition in subsection (a) applies with respect to the following Federal actions:

(1) The awarding of any Federal contract.

(2) The making of any Federal grant.

(3) The making of any Federal loan.

(4) The entering into of any Federal cooperative agreement.

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(c) LOBBYING AND EARMARKS.—No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) DEMONSTRATION AND CERTIFICATION.—Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.

Mr. KENNEDY. Mr. President, I also ask unanimous consent that the Senator from Oklahoma, Senator COBURN, be added as a cosponsor of the amendment at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this amendment gives the assurance to our colleagues here in the Senate that over the evening we were able to work with Senator COBURN and to take into consideration his concerns to do this in a way which I think is consistent with our legislation. I am very pleased the Senator from Oklahoma and I, and Senator ENZI, were able to come to agreement on this amendment.

We all agree that universities should not be using Federal money for lobbying. That is why our amendment bans it. We all agree that Federal student aid should not be used to secure an earmark. That is why our amendment bans it. We all agree there should be a mechanism to ensure that these rules are being followed, and that is why our amendment requires colleges to certify they are following the rules.

This amendment will keep the Federal funds from being used for lobbying while maintaining the ability of colleges to engage in appropriate communications with Government officials. It will allow preeminent research scientists to communicate with the NIH about cancer research; it will allow meteorologists to advise Homeland Security on better ways to predict and prepare for imminent natural disasters; and it will allow scientists to convey to the Department of Defense the latest advances in armor and other protections for our troops.

This amendment strikes a good balance between prohibiting the inappropriate use of Federal student aid dollars while keeping the door open for colleges and employees and officials to communicate with Government in other important matters. That is what our amendment does, so I am pleased we could come up with an agreement, and I thank the Senator for his concern and for his cooperation.

Mr. REED. Mr. President, I strongly support passage of S. 1642, the Higher Education Amendments of 2007.

This important bipartisan legislation, which I helped craft as a Member of the Senate Education Committee, would reauthorize the Higher Education Act for the first time since 1998, expand college access and affordability for students and their families, and ensure that teachers have the necessary skills and supports to effectively raise student achievement in the classroom.

This bill builds on our passage last week of the Higher Education Access Act, which makes a nearly \$14 billion investment in additional need-based grant assistance for low-income students. That bill also helps middle-class students and families pay down and manage their loan debt by capping monthly loan payments at 15 percent

of their discretionary income. And it sends a signal about the need for more talented young people to become nurses, teachers, and librarians by offering them loan forgiveness if they continue in public-service professions for 10 years.

Earlier this year, I introduced a bill aimed at making it easier for families to fill out the financial aid form that all students have to fill out to see if they can get tuition assistance. I called the bill the FAFSA Act, Financial Aid Form Simplification and Access Act. It is based on the recommendations of experts and should help make a sometimes difficult process less time consuming and frustrating. First, it would phase out the complex, one-size-fits-all long form at 7 pages and over 90 questions, using the savings to employ "smart" technology to create a tailored online application form to ensure that students answer only the minimum number of questions necessary. Second, the bill would establish a short paper EZ-FAFSA application form, similar to the IRS's 1040-EZ, for the lowest-income students. Third, this legislation allows students to apply for financial aid earlier, and it creates a pilot program to test an early application system under which students apply for aid and receive an aid estimate or determination in their junior year of high school. I am pleased that these provisions are included in the bill the Senate is passing today.

The Higher Education Amendments of 2007 also include provisions from another bill that I introduced earlier this year, the ACCESS Act. Accessing College through Comprehensive Early Outreach and State Partnerships Act—S. 938, modeled on successful programs like Indiana's 21st Century Scholars Program. Indeed, students in the Indiana initiative were nearly five times more likely than nonparticipants to enroll in college. The ACCESS Act creates a new incentive under the Leveraging Educational Assistance Partnership or LEAP program to spur states to form partnerships with colleges, businesses, and philanthropies to increase the amount of need-based grants. This new initiative would also make sure that students are aware of this opportunity for more aid in the 7th grade and provide early intervention, mentoring, and outreach services so they can stay on track for college. Again, research has shown that successful college access programs offer these components, and I am glad the bill before us includes them.

Furthermore, the Higher Education Amendments include several provisions from my PRREP—Preparing, Recruiting, and Retaining Education Professionals—Act, S. 1231, to strengthen the existing Teacher Quality Enhancement Grants program and improve college teacher preparation programs. These provisions ensure that prospective and beginning teachers, including for the first time, early childhood educators, have effective teaching skills, inten-

sive, year-long pre-service clinical experiences, and high-quality, sustained multiyear mentoring and support in their first years of teaching. Too often, new teachers lack this kind of training and leave the profession. This bill aims to change that.

This legislation also includes my LIBRARIAN—Librarian Incentive to Boost Recruitment and Retention in Areas of Need—Act, S. 1121, to provide Perkins student loan forgiveness for full-time librarians with a master's degree in library science. Librarians working full-time in low-income areas would qualify for up to 100 percent Perkins student loan forgiveness depending on their number of years of experience. Indeed, a love of reading and books is essential to an educated workforce, but too often schools go without a trained librarian.

We hear often that serving in the military permits our military personnel to gain help with the costs of college when they leave the service, but all too often it is not enough. That is why I included language in this bill to increase Perkins loan forgiveness for members of the Armed Forces from 50 to 100 percent. The legislation also includes provisions I authored to create a career pathway for students with disabilities by providing training and support to middle school, high school, and university staff to encourage interest and understanding of educational and work-based opportunities for students, including those with disabilities, in disability-related fields.

I am also pleased this reauthorization bill includes provisions responding to recently uncovered conflicts of interests between lenders and college financial aid offices. This legislation provides students and families with increased disclosure about special arrangements between lenders and colleges and the terms and conditions of a school's "preferred lender list"; prohibits payments, gifts, and other inducements from lenders to colleges and financial aid administrators; and requires colleges to establish and follow a student loan code of conduct.

The bill we are passing today is significant legislation that addresses one of the top concerns of American families. It tackles the twin goals of increased college access and affordability for students and their families as was intended when the Higher Education Act was created in 1965. It represents an important step in ensuring that every student with the drive and talent to go to college has the opportunity to do so. I thank Chairman KENNEDY and Ranking Member ENZI, and their staffs, particularly Carmel Martin, J.D. LaRock, Missy Rohrbach, Erin Renner, and Emma Vadehra for their excellent work on this bill. I look forward to working with my colleagues to ensure that this important bill becomes law, so that we continue our commitment to creating and expanding educational opportunities for all students.

Mrs. MURRAY. Mr. President, I am pleased to vote for the Higher Education Reauthorization Act because it will open the doors of college to more students across the country. I want to commend Senator KENNEDY for his leadership on this bill. I have been honored to work with him and the other members of the committee to produce this comprehensive solution.

In response to the recent student loan scandals, this bill reforms the student loan process so that it puts the interests of students first and makes the system more transparent. To help address rising college costs, this bill takes a number of steps to increase user-friendly information available to students and parents about college costs. I am also pleased that this bill will make it easier for students to apply for financial aid by replacing the current 10-page application with a new 2-page version. This bill offers more help for students from disadvantaged backgrounds. Specifically, it strengthens TRIO programs to make students more prepared for higher education. It also expands and improves GEAR UP programs, which are a critical tool to help guide and prepare disadvantaged students for high school graduation and college enrollment.

I am especially pleased that the bill includes my proposal to train math and literacy coaches in colleges of education. As I have been working to improve our schools, I have recognized that we need to provide additional support to students in math and reading. By addressing those areas, we can improve the graduation rate and help students graduate prepared for college and careers. When I introduced the PASS Act, S. 611, earlier this year, I included reading and math coaches as a key way to improve the graduation rate. I am pleased that this higher education reauthorization includes a grants program that will help train those coaches, so we have a ready pipeline of qualified coaches to address these critical areas.

Mr. BIDEN. Mr. President, I rise today to congratulate Chairman KENNEDY and Ranking Member ENZI on passage of this very important legislation. I also thank them for their assistance in including within the Higher Education Amendments Act of 2007 a bill I have worked on, the Early Federal Pell Grant Commitment Demonstration Program.

The Early Federal Pell Grant Commitment Demonstration Program will bring us one step closer to making sure that every child has the opportunity to go to college. Our current higher education system is riddled with barriers that students must overcome to obtain the keys to their future—a college education. This program will break down some of those very barriers by making an early promise of Federal aid to students early enough in their academic careers so that the reality of a college education is firmly in their grasp.

How we choose to support our students today will have broad ramifica-

tions for not only them but for our country 10, 20, and 30 years down the road. The consequences are dire if we do not take a more aggressive approach to make sure the doors to a college education are open wide enough so every student that wants to pursue a college education can do so regardless of their family income. If we maintain the status quo, the outlook for too many students is grim. Take, for example, the fact that over the next decade 2 million college-ready students from households with an income below \$50,000 will not attend college because they cannot afford the costs. Every door we fail to open for our students is a door closed—a missed opportunity—for our country down the road.

I commend my colleagues for their leadership in developing meaningful reforms regarding the cost of and access to a college education in this bill as well as the recently passed Higher Education Access Act of 2007. I am pleased that the Early Federal Pell Grant Commitment Demonstration Program is one component of those reforms—providing students and their families with a commitment of Federal aid early in their academic careers, information about the costs of college, and information about the various types of available financial aid. Right now, students don't find out whether they are eligible for Federal aid until their senior year—much less how much they will receive. This timeframe doesn't work for many families. Making a commitment—a promise—of Federal aid to students at an early age will begin the conversation about college earlier and continue it through the day they receive the acceptance letters from the schools of their choice.

If you have seen the news articles, or if you are putting a child through college, you know that the cost of a college education can be daunting to a student and their family. Many children think—erroneously—that they can't afford to go to college, and they go through high school thinking their futures are limited. We should not wait to tell those that need it that they will receive help to pay for college. Committing a Pell grant—the maximum of which is \$4,310 under current law and \$5,400 in the Senate-passed Higher Education Access Act—will critically alter the expectations of low-income students. For those students whose future plans often do not include college, this program will provide a financial promise, and the hope that comes with knowing you can afford a college degree.

Under this early commitment plan, four States will receive funding for a demonstration program, each of which will work with two cohorts of up to 10,000 8th grade students; one in school year 2008–2009, and one in school year 2009–2010. Schools with a National School Lunch Program participation rate above 50 percent would be eligible for the program, and by using the same eligibility criteria as the National

School Lunch Program, students would be identified based on need in the 8th grade.

The Early Federal Pell Grant Commitment Demonstration Program will also provide funding for states, in conjunction with the participating local educational agencies, to conduct targeted information campaigns beginning in the 8th grade and continuing through students' senior year. These campaigns will inform students and their families of the program and provide information about the cost of a college education, state and federal financial assistance, and the average amount of aid awards. A targeted information campaign, along with a guarantee of a Pell grant, will allow families and students to not just plan ahead for college, but to dream of a future that includes higher education.

Mr. LEVIN. Mr. President, today, marks the culmination of yet another journey towards making college more affordable with the passage of the Higher Education Amendments, and with the passage several days ago of the Higher Education Reconciliation Act. It represents the single largest Federal investment in higher education since the GI bill. I am pleased to support this legislation because it reflects a commitment to expanding access to higher education and making it more affordable. It opens the door to those previously denied educational opportunity due to a lack of adequate financial resources or who could not carry the burden of excessive student loan obligations.

This legislation is a great victory for students and families across America, including my home State of Michigan, which would receive over \$80 million above the current \$429.8 million in new assistance for the upcoming academic year and an additional \$689.6 million over the next 5 years.

I have long supported efforts in the Senate to expand the availability of student aid and to ensure that students have access to a postsecondary education, including raising the maximum Pell grant award. This much-needed legislation increases the maximum Pell grant from \$4,310 to \$5,100 in 2008, building upon our efforts in February of this year when we passed a significant increase in the maximum Pell grant award to \$4,310 from \$4,050, the first increase in 4 years.

This legislation also increases the income level at which a student is eligible for the maximum Pell grant; caps monthly student loan payments at 15 percent of discretionary income; encourages public service by providing loan forgiveness for borrowers who commit to public service; simplifies the financial aid process for all students; and reforms the student loan system so that it works for students rather than lenders.

There is one fact that we cannot escape, which is that more and more students and families are struggling to pay for college at a time when access

to a higher education is increasingly important in a competitive, global economy where training beyond a high school education is required.

The legislation will protect working students by increasing the amount of student income sheltered from the financial aid process. The cap on Federal student loan payments at 15 percent of a borrower's discretionary income will bring much-needed relief to students with the burden of excessive loans. For example, a social worker in Michigan with one child earning \$45,620, with student loan debt of \$19,000, would have his or her monthly payments reduced by 12 percent. Forgiving the debt of borrowers who continue in public service careers, such as law enforcement, nursing or teaching for 10 years will be provided significant relief under this bill. For instance, a starting teacher in Michigan earning \$35,557 with the State average loan debt of \$18,942 could have monthly payments reduced by 20 percent. After 10 years of teaching, all remaining debt would be forgiven, in this case, a benefit worth \$10,906.

A student's access to higher education ought not depend on his or her family's income. Working families and aspiring students across this country are struggling to obtain the financial resources to secure a college education. Low and middle income students who have managed to enter and stay in college are graduating with unprecedented levels of debt. This legislation responds to this crisis.

The passage of this bipartisan legislation is a notable accomplishment.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, I first want to thank the chairman and ranking member of the HELP Committee—Senator KENNEDY and Senator ENZI—for their leadership in bringing this important legislation to the floor. I also appreciate their willingness to incorporate the ideas and concerns of the various committee members. I am pleased to urge my colleagues to support this comprehensive package to improve higher education. This is a worthy conclusion to the discussion that began last week, with the passage of the Higher Education Access Act, to make college more affordable and more accessible.

Education is the centerpiece of a deal America has entered into with its students: if you work hard, if you gain the right set of skills, and if you accept responsibility for your learning, you have a chance for a better life. That is the basic premise of education in our country.

And this deal includes a college degree. A college education and a diploma improve the chance of getting a good job, increase earning potential, and ease entry into the middle class.

Last week, we passed legislation making a college degree more accessible for many students, by increasing student financial aid. Today, we must

move forward on the remainder of a comprehensive package for college students and their families. In this legislation, we are asking colleges themselves to look more closely at the increases in their costs, and to report more information, so that students and families have a clearer picture of the cost of attendance.

We are reforming the student loan system, by shedding more light on the process, illuminating more clearly the arrangements between colleges and lenders, and prohibiting payments that give some lenders an unfair advantage. Instead, we must make sure that the system works to the advantage of students. We must act to curb the financial abuses that have been so widely reported at a few institutions, and that have hurt too many students. In this legislation, we have also increased access for many by making the process more user-friendly, by simplifying the financial aid application process, and by helping students plan for their college education earlier in their high school career. All these provisions of the Higher Education Amendments are worthy of the support of my colleagues.

There are two provisions in this legislation which I would especially like to thank my colleagues on the HELP Committee for supporting, and advancing. The first establishes an innovative method for teacher preparation. We know that teachers are the most important resource for students in our schools. And yet, too many students in high-need schools are taught by inadequately prepared teachers, who are often not ready for the challenges they face, and who often choose to leave the classroom too soon.

We must recruit talented Americans to become teachers, and we must help transform teaching, restoring its luster as a profession. We must better prepare prospective teachers, so that when they join the profession, they are successful and choose to stay, so that their students may share in that success. As we ask teachers and school leaders to accept more responsibility for student learning, we must do our part to adequately prepare teachers to achieve success.

Research shows that good preparation programs can make novice teachers effective more rapidly. This legislation includes a provision for residency programs to effectively prepare teachers for the reality of challenging classrooms. Teaching Residency Programs are school-based programs in which prospective teachers teach alongside a mentor teacher for one year, while undertaking coursework to attain teacher certification. Graduates of the program are placed in high-needs schools and continue to receive strong mentoring and support for their first years of teaching.

I am particularly proud that such Teaching Residency Programs are included in title II of these Higher Education Amendments, because it is a

model of effective teacher preparation that I have advocated since before I was elected to the Senate. I have seen firsthand the success of such a program in Chicago.

Teaching Residency Programs are based on what we know works best to prepare teachers. We know that mentoring is critical to help novice teachers improve their skills, and to retain many who might otherwise leave the profession within their first few years. We can no longer afford to lose high quality teachers because they are not adequately supported, or because they realize that they are not progressing in their chosen profession.

I am also pleased that the Higher Education Amendments we consider today contain a provision to support predominantly Black institutions—a proposal first suggested by my good friend, Representative DANNY DAVIS. These are colleges which serve a growing number of African-American students, most of whom are the first in their families to go to college and most of whom receive student financial aid. It is appropriate that we support such institutions, to help ensure that these colleges, in turn, support the efforts and talents of these students. Over the years, Congress has acknowledged the key role of similar institutions through provisions supporting historically Black colleges and universities, Hispanic-serving institutions, and other colleges and universities whose mission includes educational opportunities for minority students.

The Higher Education Amendments we consider today contain much that will help our students be more successful. I am proud to have been involved in developing this legislation, and I urge my colleagues to support its passage.●

Mr. KOHL. Mr. President, I rise today in strong support of Wisconsin's students and families. Students work hard to get into college. Along with their families, they are working even harder to pay for college. However, the high cost of college, combined with the slow growth of family income and insufficient grant aid is pricing many Wisconsin students out of a college education. Today help is on the way.

To reverse this trend the Senate has acted on two bills that will significantly improve access to college and make a college education more affordable for students and families. The Higher Education Access Act will provide \$17.3 billion in new aid to students, paid for through reforms to the student loan industry, and the Higher Education Amendments extends a variety of important programs, such as—work study, Perkins loans and TRIO. Both bills passed with strong bipartisan support and together, they represent a major victory for students and families.

Wisconsin students will benefit from \$32 million of new financial aid, including an increase in the maximum Pell award from \$4,310 to \$5,100 next school

year. Pell-eligible students should expect an additional \$430 in aid to help offset the cost of school. This legislation will also cap loan payments at 15 percent of a student's discretionary income, bringing needed relief to students from excessive loan burdens. Lastly, this bill provides loan forgiveness for students who choose careers in public service such as, nursing, teaching, or law enforcement for 10 years.

The Senate has made college access and affordability a top priority. I am proud of the bipartisan way the Senate has acted to give students around the country access to college and a chance at a better and more productive life. I am proud to support this bill.

Mr. DORGAN. Mr. President, I am here today to talk about the reauthorization of the Tribally Controlled College or University Assistance Act of 1978, which is reauthorized in conjunction with the Higher Education Act. As chairman of the Senate Committee on Indian Affairs, I have been working closely with the Health, Education, Labor, and Pensions Committee to ensure that amendments enhancing tribal colleges and universities are included in S. 1642, the Higher Education Reauthorization Act.

Title IX of S. 1642 reauthorizes the Tribally Controlled College or University Assistance Act of 1978 and includes a new title to authorize Department of the Interior funding for institutional operations of the two tribally controlled postsecondary career and technical institutions: United Tribes Technical College and Navajo Technical College. Funding authorized under the Tribally Controlled College or University Assistance Act is essential as it provides the resources necessary for these institutions to continue to provide high quality, culturally relevant higher education opportunities for Indian students in Indian country.

I have been a longtime supporter of the Nation's tribal colleges and universities because I see how they benefit both their communities and individual students. There are 34 tribal colleges and universities throughout the United States. My home State of North Dakota is fortunate to have five of these remarkable institutions.

Tribal colleges and universities offer a wide range of accredited academic programs including many from areas of high need such as teacher education, business administration, and nursing. In addition to college level programming, tribal colleges and universities also offer much needed high school completion programs, job training, and college preparatory courses.

These vital institutions are essential to their tribal communities, many of them serving as community centers, public libraries, tribal archives, career and business centers, economic development centers, public meeting places and child and elder care centers.

Approximately 28,000 American Indian and Alaska Native students attend tribally controlled colleges and

universities across the country. Tribal colleges are located in isolated, remote areas, with high unemployment rates where average family income is approximately \$14,000.00—27 percent below the Federal poverty level. As a result, the cost of attending a mainstream institution, which for many reservation communities is several hours away, is prohibitively high, especially when tuition, travel, housing, textbooks, and other expenses are considered.

Most students attending tribal colleges are the first generation in their family to go to college. American Indians who earn a bachelor's degree or higher can expect to earn two times as much as those with a high school diploma and four times as much as those with no high school diploma. Tribal colleges are proven agents of change and provide real hope for the future of their graduates and their tribal economies.

I have been fortunate enough to hear from many American Indian students who have benefited from tribal colleges and universities, including one young woman who faced many challenges growing up on the Turtle Mountain Reservation in North Dakota.

As a young child, this young woman often felt isolated at school, but realized at a very young age that education was the key to making a better life for herself and enriching her community. This belief stayed with her throughout a particularly challenging period of her life in which she dropped out of high school and became a mother. This series of events provided her with even more incentive to seek education, so she enrolled in the Turtle Mountain Tribal College. She loved college, excelled and has earned her Ph.D. Her story illustrates the important role tribal colleges play in lifting Indian children and young adults, who have faced so many obstacles and adversity in their lives, out of poverty and despair.

In addition to the Tribal College Act reauthorization, S. 1642 reauthorizes a program for developing institutions under title III of the Higher Education Act specifically for the Nation's tribal colleges and universities. I fully support the adoption of the proposed changes that I believe will greatly enhance the tribal college's ability to provide higher education opportunities to their reservation communities.

Lastly, I applaud all institutions that serve American Indian students but we need to make sure that the proposed new title III program for "Native American-serving, nontribal institutions" included in S. 1642 does not negatively impact the already limited funding available for tribal colleges and universities.

I remain committed to finding ways to increase access to quality postsecondary opportunities for American Indian students and to further strengthen the capacity of tribal colleges. S. 1642 provides solid steps towards doing just that.

Mr. FEINGOLD. Mr. President, I speak today in support of passage of the Higher Education Act of 2007.

Last week, the Senate took an important step toward increasing access to higher education for low-income students by passing the Higher Education Access Act of 2007 which would increase student aid by approximately \$17 billion by cutting Federal subsidies to lenders and banks. Today, the Senate expands on last week's important work by passing the Higher Education Act of 2007, which reauthorizes programs under the Higher Education Act of 1965, including title II teacher education programs and title IV student aid programs.

Many students today dream of going to college but face hurdles to making that dream a reality, including financial hurdles, which for many low-income students can become insurmountable. This legislation helps students make their dreams of going to college a reality by reauthorizing a number of important programs that I support, including the Pell grant program, TRIO, GEAR UP, and LEAP. These programs seek to reduce the financial and college preparation barriers that many students face when applying to and attending college.

Higher education is one of the most important investments our Federal Government can make, and Congress created need-based student financial aid programs to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it. I am deeply concerned about the emergence of a widening educational gap between rich and poor. Statistics illustrate that students from low-income families are pursuing postsecondary education at a much slower rate than individuals from middle and upper income families.

Increasing the maximum award for Pell grants can help in closing the gap between college attendance rates of low-income students and students from middle and upper income families. I have led and supported many efforts to increase the maximum Pell grant award in recent years, including earlier this year when I joined with Senators KENNEDY, COLLINS, and COLEMAN in leading letters to the Senate Budget and Appropriations supporting the highest possible increase in the maximum Pell grant award. I am pleased that the Higher Education Act of 2007 increases the authorized maximum for Pell grants to \$6,300 by the 2011-2012 academic year, and I will continue to work with my colleagues to push for fiscally responsible increases in the Pell grant program in the coming years.

This legislation also makes important changes to the title II, Teacher Quality Partnership Grant Program to better train and prepare teachers for working in our Nation's classrooms. Access to high-quality teachers is a key determinant in student academic success at the elementary and secondary level. The provisions in this

legislation that promote mentoring and training new teachers through residency programs will help to ensure that new teachers entering our Nation's schools are better prepared and receive the support they need during their beginning years of teaching.

I was also pleased that the committee accepted language into the managers' package to ensure that the grants for training of teachers will promote a wide range of teaching skills, including measuring students on different forms of assessment, such as performance-based measures, student portfolios, and formative assessments. In an era of increased accountability at the local, State, and Federal level, we need to do all we can to promote more responsible and accurate assessment of students in our K-12 schools.

I remain concerned about the increased use of high-stakes standardized testing at the K-12 level, including using high-stakes standardized tests to make decisions regarding school accountability. By broadening the definition of student learning and teaching skills as this new title II language does, we can better ensure that teachers are trained to more accurately and responsibly measure student achievement through alternatives to high-stakes standardized testing.

This bill also takes important steps toward addressing the abuses in the student loan industry by requiring lenders, banks, and universities to provide more disclosure to students before these students take out education loans. The bill also prohibits campus employees from receiving gifts of more than nominal value from lenders or banks. I was pleased to cosponsor Senator KENNEDY's Student Loan Sunshine Act earlier this year and support the inclusion of those legislative provisions in this reauthorization bill.

The bill also includes language based on previous legislation I introduced that defines the terms "different campus" and "different population" for purposes of administering the Federal TRIO Program. I have long supported increased funding for TRIO Programs which provide education outreach services and support students from disadvantaged backgrounds as they pursue higher education. The language included in this bill ensures that higher education institutions with branch campuses geographically apart from each other can compete on equal footing for the important TRIO grants.

I am concerned that this bill may not adequately protect the privacy of individuals whose information is contained in Federal and State databases. Almost a year ago, I wrote to the Secretary of Education's Commission on the Future of Higher Education regarding the Commission's first draft report which contained language proposing the creation of a national student unit record tracking system, and I questioned whether such a system, if created, could adequately protect the privacy interests of the students it would be

tracking. The bill, while purporting to prohibit such systems, exempts any existing data systems that are used to operate programs authorized by the act, as well as any successor systems. Moreover, while the bill includes provisions to restrict access to the National Student Loan Data System, it includes no similar provisions for other Federal databases.

The bill also includes a pilot grant program to develop State-level postsecondary student data systems in five States. Grant recipients must comply with the Federal Educational Rights and Privacy Act, which prohibits certain policies and practices relating to disclosure of information; however, I believe additional protections may be necessary to ensure individual privacy. I plan to work with my colleagues on these matters as the bill moves forward.

Mr. President, the Higher Education Act of 1965 was one of the key Great Society programs that sought to extend the opportunity to pursue higher education to Americans of all backgrounds, regardless of their economic circumstances. With Senate passage of both the Higher Education Act today and the Higher Education Access Act of 2007 last week, we have acted to continue and expand upon these essential college access programs. I look forward to working with my colleagues in the coming weeks and years to continue to support and strengthen higher education programs. In an increasingly global and competitive 21st century, ensuring access to higher education for all Americans who wish to pursue it must remain a priority in Congress for many years to come.

Mr. WEBB. Mr. President, I wish to speak on behalf of an amendment I was very proud to cosponsor with Senator WARNER, the senior Senator from Virginia, that was passed by a unanimous vote while I was outside the Senate when we came into session yesterday. I thank Senator WARNER for his leadership on this bill, and I express my appreciation to the Senate for their support.

This amendment is called the minority-serving institution digital and wireless technology opportunity amendment. It will help close what is clearly a digital divide at minority institutions in the country. This was a bipartisan effort, as I pointed out, and it is directed toward ensuring we are addressing the current needs that exist in our colleges and universities by giving our students an opportunity to compete with anyone anywhere around the world.

Over 60 percent of jobs require information technology skills these days, and many jobs in the information technology field pay significantly higher salaries.

It is vital to our global competitiveness that all institutions of higher education provide their students with access to the most current information technology and equipment.

I commend our leadership and the HELP Committee for making these sorts of issues a priority on the bill we voted on today and for ensuring that our students have the tools necessary to succeed and compete in our changing economy.

This particular amendment will establish a new grant program to be administered by the Secretary of Education to assist historically Black colleges and universities, Hispanic-serving institutions, and tribal colleges. These grants have a 5-year time period in which they have to be used. I believe they are highly appropriate in helping these minority institutions reach a level playing field.

Virginia is home to six historically Black colleges and universities—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University, Virginia University of Lynchburg, and Virginia State University. These are examples of some of the universities that will be helped by this amendment.

Investing in our minority-serving institutions will give our students an opportunity to compete far more effectively in our global economy.

This amendment addresses the inequality of access to technology that exists in many cases because of technical and economic restraints.

I am looking forward to working closely with the appropriators to ensure that necessary funds are provided for this critical program.

I again thank my colleagues, in particular the esteemed senior Senator from Virginia, Mr. WARNER, for helping make adoption of this important amendment possible.

Mrs. CLINTON. Mr. President, with the passage of the Higher Education Amendments of 2007, we have given the millions of students and families the key to unlock the door to a college education and the American dream. This bill represents an incredible victory for students and families, and we can be proud that in this new Congress we have renewed our commitment to students working hard to achieve the promise of America.

The Higher Education Amendments of 2007 is the first reauthorization of the Higher Education Act in nearly a decade and is the result of 2 years of bipartisan compromise. This legislation will reform the student loan industry and serve the best interests of our students.

I believe student loans should be an investment in the future. Sadly, for too many students, their student loans have become a barrier to following their dreams. That is why I am pleased this bill includes provisions from my Student Borrower Bill of Rights Act. My provisions will ensure all student borrowers have accurate and timely information on their loans and will provide much needed help to borrowers with disabilities. These provisions are a major step forward for students who have become disabled and are overwhelmed with student loan debt.

I am proud this legislation also includes provisions from my Non-Traditional Student Success Act, as the number of nontraditional students continues to increase on college campuses across America. These are students with children, students working while studying, and so many others. By including a provision to make Pell grants available year around, the Higher Education Amendments of 2007 provides the critical support these students need to complete their college education and makes college more accessible and affordable for them.

I also worked with my colleagues on the Health, Education, Labor, and Pensions Committee to author two new initiatives to help more students arrive at college ready for success. The first provision will provide the training and support necessary to place 10,000 new teachers in disadvantaged communities over the next 3 years. The other provision will supply comprehensive data and offer targeted assistance to increase the college-going rates of high school students in disadvantaged communities.

The Higher Education Amendments of 2007 will produce transparency in college cost for students. It will also promote strategies to recruit and prepare qualified teachers and will invest in financial literacy for students and parents. This legislation will simplify the Free Application for Federal Student Aid to improve the process of applying for student assistance and give families tools to plan for the cost of higher education. In addition, this bill will improve the TRIO/Upward Bound and the Gaining Early Awareness and Readiness of Undergraduate Programs, strengthening the pathway to higher education for millions of low-income and first-generation students.

I am proud to be an original cosponsor of this legislation. I thank my Senate colleagues for making this groundbreaking investment in the next generation of American leaders.

Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate passed today 5-year extension of the Higher Education Act to renew major programs that help ensure our Nation's students attain a college degree.

This legislation, with strong bipartisan support, also includes new measures to address rising college costs and would reform the student loan system so that it better serves students.

Last week, the Senate passed an important piece of legislation that will provide over \$17 billion in new grant aid to low-income college students—\$2.5 billion of which would go to help California's students afford college.

Nationwide, students and their families are struggling to pay the growing costs of a college education.

Four-year public university costs increased 52 percent, while the median family income only increased 3 percent during the school years from 1995–96 to 2005–06.

In California, even after financial aid is taken into account, 33 percent of the

median family income is needed to pay for 1 year of college at a 4-year public college.

As a result, many students rely on loans to finance their education—the percentage of undergraduates at 4-year public colleges with student loans has risen to 66 percent, especially among low-income students.

At the same time, lenders have been provided substantial government subsidies beyond what is required for participation and competition.

Specifically, this bill would raise the authorized level for the Pell grant maximum award by \$1,990 over 5 years—from the current \$4,310 level to \$6,300; authorize the U.S. Department of Education to award competitive grants for Teacher Preparation Programs that help recruit and retain high-quality teachers in high-need schools; improve programs that help low-income middle and high school students prepare for college. For example, GEAR UP program grantees, which serve over 150,000 California students, would be permitted to use funds for tutoring, extended school day programs or scholarships; create a nationwide “Higher Education Price Increase Watch List” of colleges whose costs are increasing at a rate greater than other schools and create a higher education price comparison index to help students and parents compare college tuition costs; require colleges to recommend lenders to their students based on the best interests of the students. It also prohibits payments from lenders to schools that create conflicts of interest; and simplify student financial aid forms by creating a new 2-page form for low-income students, and phasing out the current 10-page form for all applicants within 5 years.

The key reforms in this legislation will help ensure that college is more affordable for our young people and that they receive the education they deserve to succeed in our global economy. I am pleased that the Senate will pass this important legislation today.

Mr. MCCONNELL. Mr. President, I thank my colleagues Senator ENZI and Senator KENNEDY for making sure that the managers' package includes my amendment to add Kentucky State University to the list of historically Black colleges and universities, HBCU, that are eligible to receive funding for their graduate programs.

Kentucky State enjoys a proud heritage as the Commonwealth's only HBCU. Chartered by the Kentucky General Assembly in 1886, Kentucky State is one of the 15 original HBCUs recognized in the historic Morrill Act of 1890. In recent years, Kentucky State has developed strong undergraduate and graduate programs in the natural sciences, most notably aquaculture.

Earlier this year, I was pleased to visit with Kentucky State's president, Dr. Mary Evans Sias. During our meeting, Dr. Sias called my attention to the fact that Kentucky State's graduate

programs were not eligible to receive the Federal funding set aside for HBCU graduate programs because the institution was not among those schools listed in the Higher Education Act.

I told Dr. Sias I would try to help Kentucky State, and last week I introduced legislation, S. 1826, to add Kentucky State to the list of eligible institutions under the Higher Education Act. I thank my colleagues, Senator ENZI and Senator KENNEDY, for including this legislation in their managers' package. I am confident that it will go a long ways towards strengthening Kentucky State's ability to serve the Commonwealth's students.

Mr. DURBIN. Mr. President, paying for college is harder than it used to be. Over the last 5 years, the combined cost of tuition, fees, room and board at 4-year public colleges and universities increased by 42 percent, and more students are leaving college saddled with debt. More than two-thirds of 4-year college students now borrow to pay for school, and their average debt more than doubled between 1993 and 2004.

Unfortunately, we have learned that some lenders and some universities are engaging in practices that are not always based on what is in the best interests of the students. The New York Times revealed that some lenders have offered schools incentives to be placed on a college's “preferred lender” list. One example was an all-expense paid trip to the Caribbean for school officials and their spouses to attend an education “summit” held at a luxury five-star beachfront resort. Between symposiums and discussions on how important it is to address the cost of higher education, guests could enjoy complimentary water and beach sports, volleyball, and access to an 18-hole championship golf course, a 10-court tennis complex, two beachfront pools, and a luxury spa. News of the trip drew such a negative response that the sponsor of the trip, Loan to Learn, ultimately cancelled it. Other examples of incentives to schools include iPods given away at a financial aid administrators meeting and bonuses based on how much students borrow. Nothing about these incentives ensure that the lenders or the schools are looking to provide the best loan available for students.

The bill we are considering on the floor today, the renewal of the Higher Education Act, includes major provisions from a bill Senator KENNEDY and I introduced earlier this year, the Student Loan Sunshine Act. The Student Loan Sunshine Act reforms the student loan system so that it works for students, not lenders. The bill we are considering today ensures that colleges are recommending lenders to students based on the best interest of students, not the self-interest of financial aid officers. We protect students and parents from exploitation by lenders. Lenders are prohibited from providing inducements to colleges and financial aid administrators that create conflicts of interest. It also ensures that students

and their families have only the facts and can feel confident that they are receiving the best deal on their college loan.

I am also pleased that this bill includes key provisions from legislation I introduced earlier this year, the Campus Law Enforcement Emergency Response Act. Shortly after the Virginia Tech shootings, I introduced legislation to ensure that all colleges and universities develop emergency response procedures and campus notification systems, and test them at least annually.

The Higher Education Amendments Act before us today includes key elements of that bill. For example, the bill requires colleges and universities to develop procedures for responding to large-scale emergencies on campus and to test those procedures at least annually. This includes procedures for promptly notifying the campus community in case of such emergencies, a new competitive grant program to improve emergency response, and a new role for the Departments of Education, Justice, and Homeland Security to advise colleges and universities on model emergency response procedures and best practices. The language added to this bill will ensure that our colleges and universities are better prepared for emergency situations, and it will better protect those who live and work on college campuses from threats to their security.

This bill also simplifies the financial aid process, creates a pilot program to allow students to receive a financial aid estimate in their junior year of high school so they can make more informed choices when selecting which college to apply to.

The bill makes an important attempt to provide students and parents with more information on the cost of higher education. As I mentioned earlier, the cost of higher education has gone through the roof. Every time I meet with the presidents of colleges and universities from Illinois I ask them: What can we do to control the skyrocketing cost of higher education? This bill will create a Higher Education Price Increase Watch List, which will include a ranking of each institution of higher education whose tuition and fees are rising faster than the average. It directs the Secretary of Education to develop model price calculators to help students and families determine the net price of an institution of higher education. Universities will be required to publish this information in their application materials so it is easily accessible to prospective students. If we want to take a serious look at the rising cost of higher education, we have to make more information available to students and families about the real cost of attending college.

The Higher Education Amendments Act we are considering on the floor today strengthens many of the successful provisions of the Higher Education Act. It also addresses some of the new

problems and issues that have emerged in the area of higher education, including unethical practices in the student loan system, threats to the safety of our students on campuses, and the rising cost of college.

Mr. KENNEDY. Mr. President, as I understand, we have 20 minutes, and I want to give notice to our colleagues there will be two votes. There will be the vote on this perfecting amendment, which has been introduced by myself and Senator COBURN and others, and then the final passage. That will be in approximately, I don't know, 15 or 17 minutes.

How much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 7 minutes remaining and the Senator from Wyoming has 10.

Mr. KENNEDY. Mr. President, I will make some concluding comments, and I ask the Chair to let me know when there is 1 minute left, if the Chair would be so kind.

The Declaration of Independence proclaimed that we are all created equal. Our Constitution demands that we promote the general welfare. The words carved above the entrance to the Supreme Court are "Equal Justice Under Law." There is nothing more basic to who we are as Americans than those immortal words that lie at the foundation of our democracy, in that everyone counts, everyone matters, and everyone has a role to play in our society.

From our earliest days as a nation, education has been the mainstay of our society and the engine of the American dream. Our Nation's Founders knew that an educated citizenry would strengthen our land and build up the values and character that make us Americans. They invested in education because they looked to the future and saw an even greater America over the growing horizon.

We looked forward when we passed the GI bill, and it allowed service men and women coming back from the Second World War to get a college education. They became the greatest generation. The GI bill produced 67,000 doctors, 91,000 scientists, 238,000 teachers, and 450,000 engineers. It funded the education of three Presidents, three Supreme Court Justices, and about a dozen Senators who served in this Chamber.

That is the kind of vision we have had in America when it comes to education, and it is our vision today as we reclaim our destiny and invest once again in the next generation.

In these past few days, we have made a new promise to American students and families—a promise to invest more as a nation, to ensure that all of our young people—and we mean all—regardless of background, get the education they deserve and the training they need to succeed in today's global economy.

We have pledged here in the Senate that it doesn't matter where you are

from; what matters is where you are going. No American should be denied the right to go to college because of money.

Last week, we showed this commitment again when we made another new promise to students, providing them with the largest new investment in student aid since the GI bill. We increased the Pell grants. We provided relief for student loans by saying your monthly payments will never exceed 15 percent of your monthly income. We said: If you become a teacher, a firefighter, or enter other public service jobs, your loans will be forgiven after 10 years.

The bill before us brings about other key reforms that will make college more affordable to young Americans. Our legislation will take steps to ensure that the student loan system is working in the best interest of students by pursuing needed ethic reforms in the student loan industry. It will simplify the Federal financial aid application and delivery process to ensure that a complex system does not work as a barrier to access for low-income students. It demands that colleges do their part to keep college costs down. If we do our part to provide needed student aid, they must do their part to keep their tuition and fees reasonable.

It will reform and improve our teacher preparation system. Teachers are the backbone of our K-12 education system and this bill will promote high-quality teacher preparation programs and help recruit and retain high-quality teachers in high-need schools.

I thank all my colleagues, and in particular all the colleagues on the committee for the work they put in on this legislation. I especially thank MIKE ENZI, our ranking member, for all his leadership on this bipartisan legislation. This has been in the works for over 2 years—close to 2 years. I thank all the staff who have worked so hard over the past months to make this happen.

I want to personally mention those who have worked so hard on my staff. I would like to thank Michael Myers, who does a great job on all of the undertakings of our committee, and I am enormously grateful for his leadership and his friendship. I would like to thank Carmel Martin and J.D. LaRock, Missy Rohrbach, Nick Bath, Erin Renner, Emma Vadehra, David Johns, Raquel Alvarenga, Liz Maher, Jennifer Fay, Ches Garrison, Dave Ryan, Jay McCarthy, Lily Clark, Patrick Flaherty, and Brendan Gants.

As we mentioned, this has been a bipartisan effort, and I would also like to thank Senator ENZI's wonderful staff. Senator ENZI pointed out that they have worked very well and closely together, as we have seen over the course of the year. This is a major undertaking, and to be able to get this kind of joint effort on it has been a great tribute to all of those who have worked so hard. These staff members make such a difference to Senator ENZI, and

they have to me: Katherine McGuire, Ilyse Schuman, Greg Dean, Beth Buehlmann, Ann Clough, Adam Bridzell, Lindsay Hunsicker, and Kelly Hastings.

I would also like to thank MaryEllen McGuire, Sean Maher and Roger Hollingsworth of Senator DODD's staff; Rob Barron of Senator HARKIN's staff; Robin Juliano of Senator MIKULSKI's staff; Michael Yudin of Senator BINGAMAN's staff; Kathryn Young of Senator MURRAY's staff; Seth Gerson of Senator REED's staff; Mildred Otero of Senator CLINTON's staff; Steve Robinson of Senator OBAMA's staff; Huck Gutman of Senator SANDERS' staff; Will Jawando of Senator BROWN's staff.

I would like to thank especially Senator CONRAD and his terrific staff who have worked with us on these bills: Mary Naylor, Joan Huffer, Robin Hiestand, and Lisa Konwinski.

I would also like to thank David Cleary of Senator ALEXANDER's staff; Allison Dembeck of Senator GREGG's staff; Celia Sims of Senator BURR's staff; Glee Smith of Senator ISAKSON's staff; Karen McCarthy of Senator MURKOWSKI's staff; Juliann Andreen of Senator HATCH's staff; Suzanne Singletary of Senator ALLARD's staff; Alison Anway of Senator ROBERTS' staff; and Matt Blackburn of Senator COBURN's staff, all of whom put in many hours making both of these bills a reality.

I would also like to thank the Parliamentarian, Alan Frumin, and Assistant Parliamentarians Elizabeth MacDonough, Peter Robinson, and Leigh Hildebrand for their assistance throughout the process. I would like to thank Paul Cullinan at the Congressional Budget Office, and his extremely knowledgeable and capable team—Deborah Kalcevic and Justin Humphrey—for working late nights and through the weekends to model and estimate the budgetary effects of the complex provisions in this bill. I thank them for their tireless dedication and commitment to understanding the intricacies of the law. I would also like to thank Mark Koster, Kristin Romero, and Amy Gaynor in the Senate Legislative Counsel's office, who also worked many long hours to assist the committee in drafting the language and working out the technical issues in the bill. Finally I would like to thank the members of the education team at the Congressional Research Service—Adam Stoll, Charmaine Mercer, Jeff Kuenzi, and Dave Smole whose expertise was invaluable throughout this process.

This legislation received unanimous bipartisan support in the committee, and I hope it will see the same broad support today. We know education is the real key to opportunity. This legislation reflects that knowledge. It is a commitment I believe we must make to ensure educational opportunity to each and every young person in this country.

I urge the Senate to approve this important legislation. Our students deserve nothing less.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The senior Senator from Wyoming is recognized for 10 minutes.

Mr. ENZI. Mr. President, it is always exciting when we get down to the end of a bill, particularly a bill where there has been good bipartisan participation and achievement, and this is one of those. This reauthorization bill we have been considering was reported out of the HELP Committee by a vote of 20 to nothing. It is the result of 3 years of bipartisan negotiations, and we can point to ideas in the bill in which both the Republican and Democratic members of the committee and people outside the committee have participated, proposed, and have wound up in the bill. In the end, it is a product with strong bipartisan support.

I would mention it is not going to be a perfect bill. I would be willing to say that about any bill we pass out of here, it is always a work in progress until it finally gets signed by the President. Quite often when they get signed by the President, they are not perfect bills either, but they are a perfect compromise when they get signed. That means both sides give a little bit, and we concentrate on those areas where there can be agreement. There are a lot of things both sides would like to have in this bill, but they are divisive rather than inclusive, and we have left out those divisive things, for the most part.

In conference committee, we will take care of some of the other things that are slightly divisive to make them more inclusive so the final bill will help as many students as possible. When I say "students," I am not just talking about college students. One of the things I hear back in Wyoming is: What about the kids who want to go to tech school? We include that sort of thing in here too. That is a program where they can get a certification that is recognized throughout the United States.

My wife was at the National Apprenticeship conference. It was the 75th anniversary of certification for apprenticeships and the theme song there was done by a friend of mine from Alaska who is the balladeer of Alaska. I am sure many of you have heard this song. It is: "I am an Educated Man." It talks about a person who has a little bit of trouble with the book-learning stuff, but if you give him a problem he can solve with his hands, he is an educated man. There are still a lot of jobs out there—and there always will be a lot of jobs out there—for which you have to have hands-on work. We cannot exclude those people from the education system. They are absolutely essential to our lives. This bill does some things for the ones who want to go to tech school too.

Senator WARNER, in a speech the other day mentioned, when he first went into the military, about a third of the people whom he went through basic training with couldn't read or write.

When they were assigned to a ship, there were jobs on those ships those people could do without being able to read or write. Today, the battleships are bigger and they are much more technical. It is a whole different level of education that has to be done for the people who run those battleships and do the jobs that are needed on the battleships.

That is what has happened with jobs throughout this country. Jobs change. It is very important that people who are in high school now realize that when they enter the job market, they are probably going to have 14 different careers—not 14 different jobs, not 14 different employers—14 different careers. Of those 14, 10 have not even been invented yet.

It is very important to get a good education so people throughout their lives can transition to the new jobs that are happening—because that will be happening. Those who do not get the knowledge and the capability to make the transfer to new careers will be left behind. We do not want that to happen.

This committee is in charge of education from birth to death. We have Head Start—we have already passed that through the Senate and it is in conference now. That takes care of preschool. Of course, we have 64 other programs besides that that deal with preschool, and we probably need to do something about the proliferation of programs that have a lot of overlap in that area, but we have the Head Start one already going through the process.

The next bill we have been told we will work on in the committee is No Child Left Behind. That takes care of kindergarten through 12th grade. There has been a commission that has been formed that has presented us with a lot of ideas about what needs to be done. It is a bipartisan commission. I am sure a lot of that will be incorporated in the bill. There has been good bipartisan work in the committee on the ideas that have to be incorporated, some of the tweaks that have to be in No Child Left Behind to make it work even better. There is quite a bit of agreement. It has worked, but it can work better. We will be working on that next.

Of course, this is the Higher Education Act. We did it in two pieces. I will have some more comments about that in a moment.

But there is another piece missing, and I am hoping our committee will work on that soon, and that is the Workforce Investment Act. We passed that through the Senate twice, unanimously, in each of the previous two Congresses, but it has never been conferred. We need to get that done; we could train 900,000 people a year to do higher skilled jobs. We don't need to keep exporting those jobs because we lack people with the skills. We need to train people with the skills. That is a bill that will do it. I think we have a good basis to work from on that and, again, a way to find bipartisan agreement. Some of the fear in the past is

what might happen in conference. The ones who had the fear of what might happen in conference will now be in charge of the conference, so that is not an excuse. We have to get that one done.

Education in America is both a right and privilege, and we have to get people to recognize the value of that privilege as we make sure all of them can have the education we promised—and we have made some very significant promises in those areas and have fulfilled many of them. This bill we are working on today is one of those. I am pleased we have been able to have both the reconciliation bill and the reauthorization bill considered within 5 days of one another.

By considering the entirety of the Higher Education Act, we are ensuring continued quality in the Federal student loan programs, while providing disclosure of information that students and their families need to make informed financial decisions. Those informed financial decisions—or uninformed ones—will have a significant impact on their future.

This is the second time in as many Congresses we have been on the brink of systemic reform of the Federal higher education programs. However, this time we will cross the brink and make these programs more efficient, as well as more effective. We will be allowed to meet the challenge of making higher education more accessible, more affordable, and particularly more accountable.

The American system of higher education is renowned throughout the world. American students will now be provided with the tools and assistance contained in both of these bills to complete their higher education and training and to acquire the necessary knowledge and skills to be successful in the 21st century economy.

I supported reporting both bills out of committee. I did so with the expectation that they would be considered together as a whole by the Senate. I am very pleased that the Senate Democratic leadership worked with me and my colleagues to provide this opportunity to have an open and full debate on all aspects of the Higher Education Act. I look forward to moving both these bills together and ensuring a comprehensive reauthorization of the Higher Education Act. There is no reason they cannot be combined at this point in time.

As debate on this legislation comes to a close, it is necessary to thank those who have worked long and hard on this bill. First and foremost, I would like to thank Chairman KENNEDY. I would like to thank him for his commitment to keeping this process bipartisan and working with me and my Republican colleagues on the HELP Committee throughout this entire process, for maintaining an open position on ideas, and following through with those with focus so we could actually wind up with a bill.

And I thank him for his approach to the committee process so we use the markup to see what the intensity is and the number of improvements that are being suggested and not make it a straight up-or-down approach so we can modify them so they fit and we get the kind of bipartisanship that we have at this point in time. That is a tremendous task. I think our committee must handle about 40 percent of the things that come before the Senate, so it is a wide-ranging task and he does a marvelous job with it and he has been very inclusive and I thank him and congratulate him for that.

I thank those on my staff who have worked tirelessly—when I say “tirelessly,” I mean both sides have worked through evenings, weekends, and reached compromises—and later I will mention more specifically some of those people.

I think I have used my time.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Massachusetts has 1 minute 10 seconds remaining.

Mr. KENNEDY. I see the Senator from Tennessee—if he would like to make use of my last minute to talk about education. He is a former Secretary of Education. He has been very much involved in education policy. If he would like to say a word to conclude our discussion?

The ACTING PRESIDENT pro tempore. The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Senator from Massachusetts.

The American people should be grateful to Senator KENNEDY and the committee and I believe this Senate, for increasing the opportunity for Americans of all ages to continue their education and, second, for continuing what arguably is our strongest asset in competition worldwide, our system of higher education.

I can recall the former President of Brazil saying to a number of us before he went back to Brazil: What we remember about the United States, he said, is the American University. There is nothing like it anywhere in the world and we have a responsibility to continue to keep it excellent and provide access to it.

I thank the chairman for offering me this time.

The ACTING PRESIDENT pro tempore. All time has expired. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am going to ask for the yeas and nays on my amendment.

Mr. REID. Will the Senator withhold?

Mr. KENNEDY. I withhold.

Mr. REID. Mr. President, George Mitchell told me this. Of course, I didn't believe him, but I do now. One of my most difficult jobs is trying to determine when votes take place and what the schedule is.

I have not had a chance to speak to my friend, the comanager of this bill.

But I believe it would be in the best interests of the body—I have conferred with the staff of Senator MCCONNELL—that we have these votes—we have two votes is my understanding. All debate has been completed; is that right?

Mr. KENNEDY. The Senator is correct. We have one procedural matter we have to address, but then we will have the two votes.

Mr. REID. The procedural matter would not take any time?

Mr. KENNEDY. No time.

Mr. REID. Mr. President, I ask unanimous consent—and I am doing this because I want everyone to be happy, and we don't need unanimous consent, but I am going to ask unanimous consent that the first vote occur at 12:25; then the second one occur—the second vote will be a 10-minute vote—and that there be no speeches in between the votes, we just vote on both of them, one right after the other.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, reserving the right to object, doesn't that run us into the policy meetings? We have some really important things to cover.

Mr. REID. I have spoken to Mr. Schiappa. He understands that. He was going to speak to either Senator HUTCHISON or Senator MCCONNELL. We have not heard anything back from them. We will try it at 12:20 with the same unanimous consent request I previously mentioned, except 5 minutes earlier.

I ask unanimous consent that the first vote will be at 12:20 and the second vote on final passage be immediately after the first vote, with no speeches in between.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: In lieu of voting now, there will be no votes until 12:20?

Mr. REID. What would happen, I have asked Senator COCHRAN and Senator BYRD to give their opening statements on homeland security.

Mr. ENZI. Mr. President, I would like about 2 minutes to finish up the thank-yous on this bill.

Mr. REID. I say to my friend, we have lots of time for thank-yous now. Senator COCHRAN and Senator BYRD need to work their way up here.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, parliamentary inquiry: I ask for the yeas and nays both on my amendment and on final passage. I ask that it be in order now. I ask also unanimous consent that the yeas and nays on the Coburn amendment be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The yeas and nays are vitiated on the Coburn amendment.

Is there a sufficient second? There appears to be a sufficient second.

Mr. KENNEDY. So the first amendment vote will be at 12:20. It will be on the Kennedy amendment. Is that correct?

And following that, the vote will be on final passage.

The ACTING PRESIDENT pro tempore. The first amendment will be the Kennedy amendment at 12:20, followed immediately by final passage.

Mr. ENZI. Mr. President, I ran out of time before I could thank members of my staff and others' staff who have participated in this bipartisan effort to get the Higher Education Act reauthorized. I would like to do that at this time because this bill is proof that a bipartisan effort can get a bill done.

In particular, I would like to thank Katherine McGuire, who is my committee staff director. She does an excellent job of keeping the trains running on time on a multitude of issues all at once. Her first higher education reauthorization was back in the early 1990s. She also provides an attitude and a focus that says: Let's get things done. And she is able to work with the other side, and has proven that she is trustworthy and knowledgeable on the issues. That goes a long way in making sure there can be a bipartisan effort, that willingness to work within common parameters and principles which helps us to get all of those things done.

I especially wish to thank Beth Buehlmann, who is my education policy director. Beth has devoted her career to improving educational opportunities for all Americans. From her work as a math teacher to her devotion to workforce training, Beth really knows what she is doing and brings extraordinary energy to the issue every day. Her knowledge and leadership have shaped education policy in our country over the last 30 years. She provides the same kind of focus and direction on education issues that Katherine does for the entire committee.

I also wish to thank the rest of the education team who greatly contributed to the bill: Ann Clough, Adam Briddell, Lindsay Hunsicker, and Kelly Hastings. They have worked diligently and, as I have mentioned, through weekends and evenings.

I also wish to thank Ilyse Schuman and her fantastic knowledge of working a bill through the Senate floor. She is one of the few lawyers I have on my staff. She gives that group of people a good name with her, again, work ethic, knowledge of the law, and wordsmithing.

I wish to thank Amy Shank, who is my budget expert, and has been doing that for several years. She knows the rules and the requirements and the capabilities of the budget process and keeps us all on our toes and ensures our work meets the budget requirements.

Finally, Greg Dean, who did a great job of organizing the amendment process. He is so attentive and he scurried to make sure that every little detail is plugged and that we are all up to speed on every one of those little details.

I would also like to thank members of Senator KENNEDY's staff for their hard work: Michael Myers does a great

job of coordinating with us and providing leadership on the issues, since they are in the leadership now. Senator KENNEDY's staff director does that kind of work and is very cooperative with our side and sensitive to the priorities we bring up.

I thank Carmel Martin, J.D. LaRock, Missy Rohrbach, Emma Vadehra, and Erin Renner for their expertise on the issues. You should see the talent of these people and their knowledge of education, which you do not get to see, but you get to see the result of their work as we present it. Sometimes we do not do justice to all of the effort that they have put in.

Finally, I would like to thank all of the members of the HELP Committee and their staffs for their hard work throughout the process. This is one of the most demanding committees. We cover, as I mentioned, 40 percent of the issues that come before the Senate. That requires a lot of time, a lot of knowledge, and such a wide variety of issues that I think the members get a college education about every month, a college course of education about every month as we cover these different issues. I appreciate their help especially working on this college education bill.

It has been an interesting road and about 3 years' worth of work and all of it on a bipartisan basis. I thank all of those who have participated.

I yield the floor.

Mr. KENNEDY. Mr. President, the Senator from Wyoming is typically thoughtful and gracious about his staff and mine as well.

As I said, I will include in the RECORD the wonderful work of all of the other staff.

Mr. President, I ask unanimous consent that following the second vote, the Senate then recess for the party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to be a cosponsor on the Kennedy-Coburn amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand there will not be final action on any of this legislation except for the final two votes. Am I correct on that?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Mr. President, I would suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BRIGHAM YOUNG AND THE PIONEERS

Mr. BENNETT. Mr. President, today is July 24, which probably means not very much to most of the people in this Chamber, but in my home State, July 24 is close to the biggest day of the year. July 24 is the day that Brigham Young and the first group of Mormon pioneers came down the canyon outside of Salt Lake Valley and decided that was the place where they would stop. They had been coming across the Plains for months looking for a place to settle, and as Brigham Young rose up out of his wagon at the mouth of the canyon and looked down over the valley, he stared for a few moments and then turned to his associates and said: It is enough. This is the right place. They decided that was where they would settle. This date, therefore, became enshrined as the founding date of the State of Utah, and it has been celebrated with a parade ever since.

I remember as a young child being taken by my parents to sit in the upper window of a department store overlooking Main Street in Salt Lake City and watching as the floats and the cars went down the street.

I remember, as a little boy, that there was always one float that had a big banner on it that said "Pioneers;" that is, these are people who had actually come across the Plains before the railroad, either walking or in covered wagons—or primarily a combination of both—and had arrived in the valley. They were still alive when I was a little boy to watch them. One of them was my grandfather, who had been born in Birmingham, England, and been carried as a 2- and 3-year-old across the Plains by his father and mother and landed in Salt Lake City in the 1860s prior to the coming of the railroad.

I watched every parade, and that group of pioneers kept getting smaller and smaller each year. Finally, there was a parade where there were no pioneers. There was no one who had been part of that trek. But the parade lives on.

Senator HATCH and I were both scheduled to be in it today, as I have been in virtually every July 24 parade since I have been elected. But votes here on the floor of the Senate have made it impossible for us to do that and at the same time discharge our duties. So I simply wish to take note here on July 24 of the importance of that event and make this comment about it that I think may have some relevance to what we are doing today.

Those people came to Utah because they had no other choice. They came to Utah because they were—the first group of them—finally driven out of every other place in the United States where they had tried to settle. They had created a settlement in Ohio, and they were driven out. They had created a settlement in Missouri, and they were driven out. They had created a settlement in Illinois, and they were driven out. And there were many in their group who decided: We have had enough.

They decided to stay in the Midwest, give up their religion, give up their commitment to the cause that had held them together, and settle down in the hopes they would have peace with their neighbors. But that hardy group that decided they were not going to give up, that they were going to move someplace where everyone would leave them alone, deliberately chose Salt Lake Valley because nothing had ever been raised there before. It was part of the great American desert. John C. Freemont, the great frontiersman, offered \$1,000 for the first bushel of corn that could be raised in Salt Lake Valley. They faced enormous adversity to do what they did, to demonstrate their commitment to their religion and their convictions.

After 9/11, President Bush spoke to us in the National Cathedral, and he talked about adversity. Quoting an unknown source, he said: Adversity introduces us to ourselves. As the descendant of some of those pioneers, that is a lesson worth reminding ourselves of at least once a year. Adversity introduces us to ourselves. Those people, as they went through that adversity, discovered who they were and determined that they would not linger on the past and their adversity but they would be confident about their future. They built there in that forsaken valley not only trees and crops and houses but the foundation of a movement that now moves around the world.

I am grateful to them for what they did. I am grateful to them for the legacy of reminding us that the future is more important than the past, that our opportunities are more important than our grievances, and that when adversity has told us who we are, we should, in the words of a hymn they sang as they moved across the plains: Gird up our loins, fresh courage take, and move forward in the conviction that our God will never us forsake.

Today, on July 24, I share that with my fellow Senators in the belief that it is still good advice for our future.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I join the Senator from Utah in his comments. Many of the citizens of my State are members of the LDS Church and obviously strong leaders who have done exactly in Idaho what he said his forebears did in Utah. They made the deserts bloom, and they built a culture and a religious base that serves my State so very well today.

WESTERN WILDFIRES

Mr. CRAIG. Mr. President, I have come to the floor to speak about something that is going on in the West as we speak, that is a tragedy in reality and something that certainly we all ought to be aware of. As I got on the plane Friday morning in Minneapolis in my commute to Idaho, a group of young men and women got on my plane: firefighters of the State of Missouri. They were flying to Idaho to

help Idahoans extinguish the wildfires burning there. I thank them and all of the brave firefighters who have been battling these immense wildfires in a season that is dramatic as we speak.

I got on the plane yesterday morning in Boise to return to Washington. Another group of young men and women, bedraggled, tired, and smelling of smoke, got on the plane to fly back to Minneapolis. That was another group of firefighters who were flown in from the Eastern United States to help out in Idaho and the Great Basin West. They were simply tired and returning home.

We are, in Idaho and in the West, at this moment experiencing one of the most dramatic wildfire seasons in our history. I say that because the season in reality has just started. From a historic perspective, it is late July, August, and September that the fire season we think of on our public lands, both forested and grasslands, usually begins.

Last year, we went through the worst fire season in history based on total acreage burned. As I speak, we are now ahead of last year and burning even greater. Headlines in the local largest daily in Idaho yesterday said: more fires burning in Idaho than any other State in the Nation, well over 600,000 acres burned and many burning.

Yesterday morning, five counties in the State of Idaho were declared a state of emergency due to those wildfires burning. Currently, the largest fire burning in the United States is the Murphy complex, estimated to be 570,000 acres; 7,500 people were evacuated from the area. Evacuations were being ordered across the State due to the number of fires and the extreme of the fire behavior: 100-degree temperatures in an area where that extraordinary heat has reduced the dew point to such a situation that anything that grows becomes kindling for a wildfire.

Of the 72 large fires in the United States, half of those burning today are in the State of Nevada and in my State of Idaho. The weather outlook has gone from bad to horrible, as these temperatures continue and as the Great Basin of the United States progressively dries out. More hot and dry weather is expected along with dry lightning, fires, and wind storms. As these lightning storms sweep through, literally thousands of strikes occur, and hundreds of fires can be set in one evening across the public lands of the West.

As I mentioned, the 2006 fire season broke several records, including acreage. By the end of this week, we will have surpassed that increase as it relates to time and place of the fire season. We have obviously not yet burned the 10 million acres of last year, but by measurement this fire season is now worse.

Almost 100 years ago, the Forest Service started something. They started with a commitment and a philosophy to full fire suppression. Now I take you to a little bit of history as to

what may be producing the very dramatic fire season we experienced last year and the year before, and we are now experiencing today. During that time, the Forest Service's aim was to extinguish every fire, man-made or lightning caused. With the exception of the last 15 years, the timber industry, on our public lands, enjoyed booming success during the same period. So while Mother Nature was not allowed to burn the forest, man was allowed to come in over the last 100 years and thin and clean. We called it logging. That produced the timber for the home and building industries. As a result, it is arguable that wildfires were kept somewhat under control. Not only did we put the fires out, but we were taking the fuels off the land.

In the 1990s, during the Clinton years, as a result of the impact of a variety of public policies, from the Endangered Species Act to the New Forest Management Act to the Clean Water Act and the Clean Air Act, and a lot of other combinations, we began to progressively reduce the overall cut of timber on public lands. In the 8 years of Bill Clinton, we reduced the allowable cut.

Here are the figures on this chart. It is patterned by revenue flow. We reduced the allowable cut of timber on our public lands by 80 percent—not 8 percent, by well over 80 percent. So if you follow the green line on this chart, you follow the revenue flow that was coming from our public lands through the U.S. Forest Service. Of course, it was during that time that the Forest Service had money. As a result, they had the money to fight the fires. Then you see the decline on the chart.

As we discontinued timber harvests on our public lands, the revenue no longer was produced. But something else was happening. We were leaving on our public lands dramatic increases in timber and brush and, in today's situation, fuel for the fires.

So in part, the West is burning today because of public policy, because of attitude, not because of Mother Nature. Mother Nature has ebbed and flowed over time. But when Mother Nature is taken out of balance by man's practices and policies, dramatic results can occur. As the revenues declined and they paralleled human activity on the public lands, dramatic increases in fire resulted.

What do we do about it? For the last several years I have stood on the Senate floor and participated in the Energy and Natural Resources Committee and chaired the Forestry Subcommittee for many of these years and have said openly and publicly: We, by our public policy, have destroyed the U.S. Forest Service. We bankrupted it. It no longer has any money. In so doing, we keep putting greater burden on it, and we won't fund it.

We are not in the habit of funding it because timber sales historically funded the U.S. Forest Service. It not only funded all of their practices, both logging and trail clearing and wildlife

management and habitat control, it did something else: It put money into the U.S. Treasury. We created a unique balance over the last 100 years because you can't predict a fire season. You have the revenue flow coming in. So we simply borrowed the money to fight fires from the different accounts of the U.S. Forest Service and at the end of the year, when the fire season was over and all the bills were paid, we simply replenished all of the accounts of the U.S. Forest Service that it used to manage the different components of the Forest Service itself.

It no longer happens today. We are still borrowing money from accounts to fight fires, but there is no money in the accounts. At the end of the year, because of tight budgets, we don't replenish the money from the general fund of the U.S. Government. There is no money there. Timber receipts used to fund the money, used to create the balance, used to do a lot of things. They no longer exist, in large part because of public policy.

What is happening in Idaho and across the West at this moment, when you see the valleys full of smoke and the mountains full of smoke and the skies with dark bands of carbon-filled air across the West, our natural resources are literally going up in smoke. What is burning out there are trees. It is also watersheds and water quality and wildlife habitat. All of that is disappearing in a ball of fire, and it should not be that way.

What are the solutions? Throwing more money at fire suppression? Well, we have been doing that by ever increasing amounts every year for the last 5 or 6 years, to the tune of billions of dollars annually.

I am the ranking member of the Interior Appropriations Subcommittee. I put in another half billion dollars to fight fires, and it will quickly go up in smoke at the rate the fires are burning in the West.

What is the solution? More active management? Yes. More active management on our public lands will help the fire situation because active management—if you look at the Healthy Forests Act we passed several years ago—means you are in there thinning, you are in there cleaning the underbrush, you are doing the kind of things that fire would have done naturally 100 years ago. But we changed the circumstance, and we changed the environment.

Fire is unique in that it can be beneficial if it is handled appropriately. If you have 100 trees per acre, and fire is allowed to amble through and burn out all of the underbrush, it does not kill the tree, in many instances. But if you have 400 trees per acre of the kind we have allowed to happen over the last good number of decades, then it burns everything because the fire is so intense by the volume of fuel on the forest floor. That is a circumstance the West is experiencing, as we speak.

Fire is a unique natural disaster because humankind has found a way to

fight it. It can change the situation that breeds fire. How do you fight a tornado? Well, you cannot. Yet it is called a natural disaster. How do you fight a hurricane? Well, you cannot. You can predict them, and you get out of their way, because it is a natural disaster. How do you fight a wildfire? Give me a shovel, give me the tools, give me a better environment—a managed environment, if you will—and I can fight a wildfire. Do not allow Federal judges to be land managers. Allow foresters to be land managers in the right context of public policy and you can fight a wildfire. Give me the tools necessary in the local communities to do so, and you can fight a wildfire. Allow me to use a chain saw selectively in the forest to thin them and clean them, and you can fight a wildfire. But, all in the name of the environment, we have decided to do none of these. We have decided to simply preserve and allow it to be natural.

Let me conclude with these thoughts. The fires that are burning in the West today are not natural. They are hotter, they are more intense, they are more destructive than any forest fires we have seen in our forests literally within a century. The reason is quite simple. The 100 trees per acre I talked about that Lewis and Clark might have ambled through 200 years ago are the same acres in which there are now 400 trees. Because of the heat and the drought, they are dead or dying, and they have created a fuel load on our forest floor that is unprecedented. Yet, we, by public policy, have tied the hands of our land managers. As a result, literally millions of acres are now burning annually. For what reason? I believe it is because we, as a manager of public and natural resources, have failed.

There are reasonable ways to do so. There is an alternative besides simply locking it up and letting it burn. Yes, the skies of Idaho and the Great Basin West are full of smoke at this moment. That smoke is our natural resources going up in smoke, literally.

If we are worried about climate change, and we are worried about the carbon we are putting into the atmosphere, the fires on the public lands of this Nation this year will put more carbon in the atmosphere than any 1 year of automobile driving. Yet somehow there are those who are willing to ignore it only in the reality that it is nature and uncontrollable. I would argue that is not true because 30 years ago we did not have these kinds of fires, and 20 years ago we did not have them, even though we had peaks of drought and dryness and heat.

Our professionals told us some time ago if we did not become, once again, active managers of our public land resource it would go up in smoke—and it is.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAYH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

HOMELAND SECURITY APPROPRIATIONS

Mr. BYRD. Mr. President, this afternoon, the Senate will proceed to the Homeland Security bill. I speak in advance of that happening.

In every State of the Union Address since the terrorist attacks on 9/11, the President has raised the specter of another attack. This past January, the President said—hear me, the President said:

Every success against the terrorists is a reminder of the shoreless ambitions of this enemy . . . I wish I could report to you that the dangers had ended. They have not. It remains the policy of this government to use every lawful and proper tool of intelligence, diplomacy, law enforcement and military action to do our duty . . . to protect the American people.

Let me say that again. The President said:

Every success against the terrorists is a reminder of the shoreless ambitions of this enemy . . . I wish I could report to you that the dangers had ended. They have not. It remains the policy of this government to use every lawful and proper tool of intelligence, diplomacy, law enforcement and military action to do our duty—

To do our duty—

to protect the American people.

And yet despite the President's warnings and the President's promises, the President's budget failed to commit significant resources to address these dangers. Too often the Department of Homeland Security settles for security that looks good on paper but leaves serious gaps in the defense of our homeland. There is too much rhetoric on homeland security and too little action; too much wind—too much wind—and not enough wisdom.

Despite the August 2006 arrests in Britain of terrorists determined to blow passenger aircraft out of the sky over the Atlantic, we still don't have proven technology to detect liquid explosives.

I wish to say that again. Hear me now; hear me. Despite the August 2006 arrests in Britain of terrorists determined to blow passenger aircraft out of the sky over the Atlantic, we still don't have proven technology to detect liquid explosives.

On an average day, 7,500 tons of cargo is placed in the holds of passenger aircraft at our Nation's airports, little of which is screened for explosives and virtually none is screened for radiation. Our seaports remain vulnerable. Our police, firefighters, emergency medical teams, and emergency managers remain understaffed and underprepared to handle the challenges of the times.

The White House—hear me down there—the White House talks a good

game, but talk is cheap, cheap, cheap. But security is not cheap. The White House asserted that its budget proposes an 8-percent increase for the Department of Homeland Security. However, after sifting through the gimmicks, we found that it is a 1.7-percent increase above current funding. That is barely enough to cover inflation for existing programs. More paper security; more paper security. More failed promises; more failed promises. We have a responsibility. We have a responsibility; yes, we have a responsibility to the people of this country to do better, and this legislation meets that responsibility.

For border security, the bill provides the funds to hire 3,000 new Border Patrol agents. The bill also includes \$1 billion for border fencing, infrastructure, and technology. Our bill adds funds for 4,000 new detention beds, 3,050 more detention beds than are requested by the President. Get that? We commit the funds that are essential for a coordinated, comprehensive border security effort.

Real security cannot be done on the cheap. Hear me. Real security cannot be done on the cheap.

For aviation security, the bill invests funds that will help save lives, and it may be your life, it may be your life, it may be your life, maybe someone's life whom you know, it may be some child's life, but it cannot be done on the cheap.

Despite a documented need for \$3.6 billion to purchase and install explosives detection systems, the President—get this—the President, the President of the United States, proposes to cut, the explosives detection program by 17 percent. The bill provides \$89.4 million above the President's request to purchase and install explosives detection equipment at airports. That is for you, the people of this country, to install this equipment at airports for your security.

We take on the challenge of screening cargo before it is loaded onto aircraft, which you, the people of this country—the passengers—will board.

The bill includes \$66 million, \$10 million above the request—\$10 million above the President's request—to deploy 70 additional canine teams—God bless them, those good, great dogs—to deploy 70 additional canine teams, and more screening technology at airports nationwide, at airports where the people of this country will board nationwide.

Funds are also provided to establish 20 radiation screening teams at key U.S. international airports to inspect aircraft and cargo. You, the people out there, will be boarding these aircraft. Let me say it again. Funds are also provided to establish 20 radiation screening teams at key U.S. international airports to inspect aircraft, which you will board, and cargo, which will be boarded by you, the people. All of this money is well spent. It will protect human lives and cargo and aircraft.

In this legislation, we also speed up the work on disaster preparation. Two years ago—how soon we forget—just 2 years ago, Hurricane Katrina demonstrated our dismal failure in dealing with a major disaster. Hurricane Rita showed that we do not know how to organize an effective mass evacuation. I want to say that again. Hurricane Rita showed that we do not know how to organize an effective mass evacuation. Now, we better get on it. We better get with it. I am going to say it once again: Hurricane Rita showed that we—that is you and that is me—do not know how to organize an effective mass evacuation. That is hard to believe.

Maybe it isn't so hard.

The White House After Action Report on the hurricanes concluded, and I quote from that report. I am quoting from the White House After Action Report, not my report.

We are not as prepared as we need to be at all levels within this country.

We are not as prepared as we need to be at all levels within the country. What an understatement. What an understatement. Yet the President's budget proposes a \$1.2 billion cut—a cut—in vital homeland security grant programs, including funds for disaster preparations and first responder training. Where, oh where, is the sense in that?

According to the Department of Homeland Security's own estimates, two-thirds of the States and urban areas do not have adequate plans to respond to a catastrophic event. This legislation rejects the proposed budget cuts and puts us on the right track—planning and training for a catastrophic event.

The bill that is before the Senate increases first responder funding by \$644 million. The President signed the SAFE Port Act last year with great fanfare. Yet 9 months later, his budget—the President's budget—includes no additional funds for the new security requirements contained in the law that the President signed. This bill makes good on the promises of the SAFE Port Act, hiring specialists to help inspect the 11 million containers that come into the United States every year. The bill commits funds directly to our ports to tighten security.

Let me say that again: The bill commits funds directly to our ports to tighten security—security for you, the people out there—at the ports. Port security grants are increased by \$190 million to the fully authorized level of \$400 million. We double the frequency of unannounced Coast Guard inspections at our port facilities.

Get that? You better wake up out there. I am going to say it again: We double the frequency of unannounced Coast Guard inspections at our port facilities, and we fund the installation of radiation detection equipment at our ports to guard against nuclear weapons and dirty bombs. I will say that again: We fund the installation of radiation detection equipment at our ports to

guard against nuclear weapons and dirty bombs.

The threat at our ports needs to be addressed now. It is foolish to delay any longer. In order to restore the ill-considered cuts proposed by the President for equipping and training our first responders, and to fund the increases that I have described for border, port, and aviation security, the bill exceeds the President's request by \$2.25 billion.

Incredibly, President Bush has threatened to veto the homeland security funding bill. Why? Because of what he, the President, labels as excessive spending. Excessive spending. That is what President Bush said. Let me read that again: President Bush has threatened to veto the homeland security funding bill—that is for you, the people out there in the hills and valleys of this great land. Why? He has threatened to veto the homeland security funding bill because of what he labels as excessive spending.

The \$2.25 billion increase in this bill is about what we spend in 1 week—in Iraq. Let me say that again. Now listen to me. Hear me now. Incredibly, President Bush has threatened to veto the homeland security funding bill because of what he labels as excessive spending. Yet the \$2.25 billion increase in this bill is about what we spend in 1 week in Iraq.

Just 2 weeks ago, the Secretary of Homeland Security was quoted as saying that it was his gut feeling that the United States faces an increased threat of attack this summer. Now, that is not ROBERT BYRD making that assertion. Let me say it again. Just 2 weeks ago, the Secretary of Homeland Security was quoted as saying—did you hear that—he was quoted as saying that it was his gut feeling—that is pretty deep—that our country faces an increased threat of attack this summer. That is now, isn't it? This is July. This summer.

On the heels of the Secretary's warnings, the administration, our administration, the Bush administration, has released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. Where is that? Here, the U.S. homeland. I will quote from the report. This is not ROBERT BYRD talking, this is the report, the National Intelligence Estimate, concerning the terrorist threat to the U.S. homeland.

We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qaida, driven by their undiminished intent to attack the Homeland—

That is my homeland. That is your homeland.

and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [W]e judge that al-Qaida will intensify its efforts to put operatives here.

Where? Not out there, here. Here is everywhere in our homeland.

As a result, we judge that the United States currently is in a heightened threat

environment. . . . We assess that al-Qaida's Homeland plotting is likely to continue to focus on prominent political, economic and infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the U.S. population.

These are the words written by the best intelligence analysts in our Government. Those are the words that should force our Government, both in the executive and in the legislative branches, to reevaluate the priority that we are giving to funding to stop terrorist attacks against this country, our country—my country, your country, our country.

I call on the President—yes, I call on the President of the United States—to reconsider his veto threat in light of the concerns raised by his own administration.

The mission of the Department of Homeland Security is critical to the safety of our citizens. The potential threats are enormous. The Congress must strike a balance that preserves our cherished freedoms and provides for enhanced security.

We need to stop squabbling and pass the Homeland Security bill for the President's speedy signature. This is no time to jockey for political points or to argue over minor differences. The Appropriations Committee, by a vote of 29 to 0, has produced a balanced and responsible bill which needs action now.

I thank Senator COCHRAN and his able staff for their support in producing this legislation.

I yield the floor.

Mr. COCHRAN. Mr. President, will the Senator yield for just one moment?

Mr. BYRD. I yield.

Mr. COCHRAN. Mr. President, I am pleased this afternoon to join Senator BYRD in presenting the appropriations bill for the Department of Homeland Security for the next fiscal year. I might say, having sat here and listened to all the comments of the distinguished chairman, there is another side to the story on some of the issues that he raised, and I assure the Senate that they will have an opportunity to hear the other side.

Mr. BYRD. Yes, Mr. President, I thank my dear friend and colleague. The Senate needs to hear the other side; all sides, all sides. I thank my colleague, and I yield the floor.

VOTE ON AMENDMENT NO. 2381

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2381, as modified, offered by the Senator from Massachusetts, Mr. KENNEDY. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—93

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dole	McCaskey	Wyden

NOT VOTING—7

Biden	Graham	Obama
Brownback	Johnson	
Dodd	McCain	

The amendment (No. 2381) as modified, was agreed to.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, on rollcall vote 273, I voted "yea." It was my intention to vote "nay." I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 2369, as amended, offered by the Senator from Oklahoma (Mr. COBURN).

The amendment (No. 2369), as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—95

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Barrasso	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Byrd	Inhofe	Schumer
Cantwell	Inouye	Sessions
Cardin	Isakson	Shelby
Carper	Kennedy	Smith
Casey	Kerry	Snowe
Chambliss	Klobuchar	Specter
Clinton	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lott	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wyden
Dodd	McCaskill	

NOT VOTING—5

Brownback	Johnson	Obama
Graham	McCain	

The bill (S. 1642), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2638, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized. (The remarks of Mr. BROWN are printed in today's RECORD under "Morning Business.")

Mr. BROWN. Mr. President, I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 2383

Mr. BYRD. Mr. President, on behalf of the Appropriations Committee, I call up a committee substitute which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. COCHRAN, proposes an amendment numbered 2383.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BYRD. Mr. President, this morning, I gave my opening remarks for consideration of the fiscal year 2008 Homeland Security appropriations bill. The Appropriations Committee, by a vote of 29 to 0, has produced a balanced and responsible bill which needs action now.

The bill includes significant resources for border security, for enforcing our immigration laws, and for improving security at our airports. We include significant new resources for implementing the SAFE Port Act. We also restore cuts in first responder grant programs.

I thank Senator COCHRAN and his able staff for their support in producing this legislation.

Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I am going to quote from the report.

I will say that again so that the audience out there in the homeland will understand just exactly what is going on here.

Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. We are talking about the Bush administration's latest National Intelligence Estimate. I will quote from the report. Hear me, I am quoting from the report of the administration, the Bush administration, from its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. Hear me:

We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the U.S. homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [W]e judge that al-Qa'ida will intensify its efforts to put operatives here.

Let me say that again. Listen. Just last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. That is right here—not somewhere else—the U.S. homeland. And I will quote from this report from the Bush administration:

We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next 3 years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . . [W]e judge that al-Qa'ida will intensify its efforts to put operatives here.

Not somewhere else—here. Those are the words that should force our Government, both in the executive and in the legislative branches, to reevaluate the priority that we are giving to funding to stop terrorist attacks against this country—our country, your country, my country. I look forward to a good debate.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from West Virginia in presenting the fiscal year 2008 appropriations bill for the Department of Homeland Security.

Mr. President, I appreciate very much the courtesies of the distinguished Senator from West Virginia and his staff and all members of the Appropriations Committee during our hearings and the preparation of this bill. We haven't agreed on everything, but this bill reflects our best effort to reach a fair resolution of our differences.

I had hoped, for instance, that we could have held the overall level of proposed spending to no more than the President requested in his budget that was submitted to the Congress earlier this year. I am pleased that the bill recommends approval of the President's budget request for border security and includes 3,000 new Border Patrol agents, \$1 billion for continued work on the virtual fence, and other

tactical infrastructure. Funding above the President's request is added to accommodate an additional 3,000 detention beds.

One of the consistent criticisms we hear about the Department is its challenges to hire the right people for the right jobs and to reduce its reliance on contractors. Unfortunately, the bill before us proposes to cut the human resource accounts significantly. These cuts handicap the Department in getting the right people into the right jobs to address many of the issues critics have complained about. We can all agree that the Department should be focused on hiring and retaining the best personnel it can.

Succession planning, diversity initiatives, performance management, and workforce relations are all critical issues. By underfunding the programs that are designed to meet these challenges, we run the risk of creating a cycle of unmet promises and potential. This Department is too important for that.

I must also express my concern that this bill restricts the obligation of funds in 10 instances. While I recognize this is within the power of the Appropriations Committee and is sometimes necessary, I think we have overdone it in this bill.

In three separate instances, this bill provides reductions in funding for the Deputy Secretary of the Department of \$1,000 per day if certain deadlines are not met. I would prefer to express our concerns in some other way and at least consider reasons that may have caused the deadlines to have been missed before automatically reducing appropriated accounts. I am equally frustrated with the Department's inability to meet deadlines Congress sets, and I expect the Department to meet statutory deadlines, but this approach is not workable.

The report accompanying this bill is harshly critical of the administration's handling of security at Federal facilities. These are Federal facilities which receive protection from the Federal Protective Service, and I do not agree with that. The Federal Protective Service has worked hard to rationalize its fee structure and its mission since joining the Department of Homeland Security. It has not yet finished the process. But the administration remains deeply committed to the safety and security of all Government employees.

The report accompanying this bill also criticizes the Department for legislation Congress has passed. It is unlikely that all Senators agree with all of the legislation that is enacted here, but to blame it on the executive branch agency charged with carrying out the law is hard to rationalize. It is unfair and it is wrong.

Last year, the Appropriations Committee worked very closely with the authorizing committees to craft a compromise on chemical site security language. Chairman BYRD's leadership last

year led to the enactment of a provision in the fiscal year 2007 act that will lead to regulating the chemical sector for the first time. I intend to continue to work with the chairman to ensure sufficient resources are provided to the Department so enforcement of these regulations is achieved.

I am pleased the committee is recommending nearly full funding for the Coast Guard's Deepwater recapitalization effort as well as support for the Transportation Security Administration, Federal Emergency Management Agency, and infrastructure protection. These are activities which are needed to continue to improve the security of our homeland, and generous funding is fully justified.

This bill comes to the Senate floor during a time when our intelligence community has judged that the Nation is, and I quote, "in a heightened threat environment." While there continues to be no credible specific intelligence to suggest an imminent threat, recent events in the United Kingdom serve to remind us of the very serious nature and the potential consequences of terrorist attacks.

I hope we can move expeditiously to pass this bill so that we can begin conference with the House.

Mr. President, earlier remarks today on the floor of the Senate may have suggested that the Department of Homeland Security isn't doing its job.

Well, today, this one day, the Department of Homeland Security will process more than 1.1 million passengers and pedestrians, including 680,000 aliens arriving at our Nation's airports and seaports.

Today, the Department will inspect more than 70,900 trucks and containers, 580 vessels, 2,459 aircraft, and 327,042 privately owned vehicles coming into this country. It will house and care for 19,000 aliens in detention facilities. It will screen approximately 2 million passengers and their 1.6 million pieces of checked baggage before they board commercial aircraft. It will make 63 arrests at ports of entry and 2,984 apprehensions between ports for illegal entry. It will intercept 27,000 prohibited items at airport checkpoints, including over 3,000 knives. It will train more than 3,500 Federal officers and agents from more than 80 different Federal agencies as well as State, local, tribal, and international officers and agents.

Today, the Coast Guard will save 14 lives, assist 123 people in distress, and respond to 12 oil and hazardous chemical spills.

Today, the Department of Homeland Security will naturalize more than 1,900 new citizens. It will conduct 135,000 national security background checks on those applying for immigration benefits. It will process 30,000 applications for immigrant benefits. It will help American parents adopt nearly 125 foreign-born orphans. The Department will help protect an additional 104 homes from the devastating

effects of flooding and protect dozens of high-profile Government officials, including Members of this body, the President, and the Vice President of the United States, visiting heads of state, and former Presidents.

This list of daily accomplishments provides just a sample of the important responsibilities and roles of the Department of Homeland Security. To accomplish these responsibilities, this bill provides \$36.4 billion in discretionary spending and \$1.1 billion in mandatory spending for fiscal year 2008.

I must point out that this bill provides \$2.25 billion more in discretionary appropriations than the amount proposed by the President in his budget submission to the Congress. The bulk of the increase from the President's request level, \$1.8 billion, is devoted to increasing grants to States and localities. These proposed increases would come quickly on the heels of nearly \$300 million being added for grants contained in the Emergency Appropriations Act, which was enacted in May.

The 9/11 Commission Report warned about grant programs becoming entrenched as entitlement programs for State and local governments. We need to make a strong and successful effort to ensure that all funds we appropriate are fully justified.

Mr. President, I look forward to considering any amendments Senators may suggest to the bill and to continuing our work to ensure we produce a work product that will reflect credit on the Senate and provide the funds that are important to the carrying out of duties and responsibilities of the Department of Homeland Security for the next fiscal year.

Mr. BYRD. Mr. President, I thank my able friend from Mississippi, Senator COCHRAN, for his comments related to securing our chemical plants. He and I will work together—as we always have, as we always do—to ensure that the Department has the resources it needs to enforce the new chemical security standards.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we face extremely serious threats here at home, and that is why it is so important that the Senate pass the Homeland Security Appropriations bill that is now before us.

This bill is designed to help strengthen our security at the Federal level, at the State level, and at the local level. From our local firehouses and our police departments, to our borders, airports, and seaports, this bill will help our country be more secure and better able to respond to any disasters we may encounter.

This year, in his budget, President Bush sought to cut funding for first responders and for emergency planning. And, frankly, he failed to adequately fund border security and port security. But here in the Senate, we have a different view. We want to invest in our

security here at home, and we have written and signed a bill that I believe reflects the right priorities for this country.

Mr. President, I am honored to serve on the Appropriations Committee and on the Homeland Security Subcommittee under our distinguished chairman, Senator BYRD. No one cares more about the American people and no one has worked harder on this bill than Senator BYRD. Thanks to his efforts, and those of Senator COCHRAN, the bill that is before us passed our subcommittee unanimously, and it passed the full Appropriations Committee unanimously as well. That strong support we saw in both the subcommittee and full committee is really critical because the President has threatened to veto this bill. He thinks it spends too much on homeland security.

The President is welcome to make that argument, but in these times when we are facing terror threats and natural disasters, the American people want us to provide more support for homeland security, not less.

There are many very important investments in this bill. I wish to focus on three of them in which I have a special interest because I come as a Senator from a border State and my State has some of the Nation's busiest cargo ports, and I am an advocate for the local law enforcement, first responders, and emergency planners.

This bill will provide more resources for our border security. It actually provides an additional \$240 million for new immigration-related homeland security costs. Those costs are not funded in the President's bill. As we all work to step up enforcement at our borders, we have to provide the resources from the Federal Government. That is why this bill does that.

I am also especially pleased that this bill boosts our investment in port security. Over the years I have worked with all of the stakeholders to make our ports more secure. Last year, in fact, the Senate passed the Murray-Collins GreenLane bill, now known as the SAFE Ports Act. The President of the United States signed our bill into law but he did not provide adequate funding so we could carry out the provisions of that legislation. We have been working to fix that here in the Senate. We started in the supplemental bill that passed a few months ago, where we boosted funding for port security grants, hiring more customs inspectors. We are continuing that work with this bill by fully funding port security grants for the first time ever.

This bill provides \$60 million as well to create Coast Guard interagency operation centers. Those are centers that will allow the Federal Government, local governments, and State authorities to coordinate their efforts in maritime security.

The final part of this bill I want to quickly mention will be a tremendous help to our responders, to our emergency planners, and to our local law

enforcement agencies. In his budget the President cut the State Homeland Security Grant Program in half. This bill restores that cut. It is going to raise those State grants from the President's level of \$250 million to the appropriate level of \$525 million.

Our States and our cities have huge security needs and many of those needs go unmet today. I believe the Federal Government, which is in charge of our Nation's security, has a role in sharing that burden.

In addition, the budget of the President drastically cuts the Law Enforcement Terrorism Prevention Program. To me, that is out of touch with what our local law enforcement leaders at home are telling us they need. They are telling us they need more help, not less, so I am very pleased that in this bill we save that important program so it can continue to help our local law enforcement officials. This grant provides funds for antiterrorism to our first responders in each of our States. That is an area we have to strengthen, and we do so with the bill now before the Senate.

Given the strong support this bill got in subcommittee and in full committee, I am hopeful this Senate will pass it fairly quickly over the next several days by a wide margin. Then, of course, it will be up to the President to decide if the American people will get the security they deserve.

As I said a few minutes ago, President Bush has threatened to veto this bill because he says it spends too much on homeland security. Think about that for a minute. Our intelligence agencies warned us last Tuesday that al-Qaida is undiminished in its goal of attacking our homeland. What does the President say? He wants to cut funding for our first responders. That report found that al-Qaida is rebuilding its capabilities, its leadership is intact, and it continues to plan high-impact plots. That is what the President's NIE is telling us.

What is the President saying? Right now he wants to cut funding for our local antiterror efforts. Our intelligence experts "judge that al-Qaida will intensify its efforts to put operatives here," on our soil, here, but the President wants to cut funding to enforce our borders.

We have all this evidence we need to be more secure here at home and we have the President's budget that makes us less secure at home. If the President wants to veto this bill, he is going to have to explain to the American people why the police department down the street from you is going to be getting less support. He is going to have to explain why the fire station around the corner is going to get less help. He is going to have to explain why your community can't develop an emergency plan so they are prepared for any disaster that may occur. If the President plans to veto this bill, he is going to have to make the case to the American people.

I say I am proud of this bill, I am proud of the work of the committee, and I know it will help our communities take the steps they must to keep us all safe.

I urge all of our colleagues to quickly pass this bill, vote for it, and move it along the process so we can say we have done our part to make our communities more secure.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from West Virginia.

Mr. BYRD. Madam President, I want to thank and I do thank—I don't just want to say I want to thank, I do thank Senator MURRAY for her kind remarks. She has made important contributions. She always makes important contributions. And she has made important contributions to this critical legislation. Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security.

Let me say that again. Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security. That takes time, that takes effort, that takes work. You just don't develop expertise by rising on the Senate floor and saying "I've got it." No. It takes time, it takes labor, it takes toil, it takes work, it takes thought. Senator MURRAY has developed expertise in the field of homeland security. That is your security. That is my security. That is your security, I say to the people out there in the homeland, in the great mountains and valleys of this country.

Senator MURRAY has developed expertise in the field of homeland security, particularly with regard to port security. I have come to rely on her expertise and I look forward to her assistance as we process this very important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the two legislators who bring this bill to the floor of the Senate are serious and thoughtful legislators. Senator BYRD and Senator COCHRAN have been around this place for some while. They have been on the Appropriations Committee. Both have chaired that committee. I am pleased to be here to support their work. I think this is a very important subcommittee and one that funds critically important programs for this country. But I want to say that unlike other subcommittees on Appropriations—one of which I chair and will hopefully bring that bill to the floor of the Senate—this subcommittee's actions and this subcommittee's product represent an urgency for this country. We probably don't say that about every subcommittee because we need to fund the things we need to do, but this is urgent. I want to describe why it is urgent.

I come from a small town of 300 people in the southwestern corner of my

State. I was thinking as I was sitting here waiting to speak, this is called homeland security. If, in fact, this were a decision and deliberation by my hometown and the subject was hometown security and we knew what the most serious threat to our town was, we would go find that threat and try to eliminate it.

I want to tell you why I believe it is an urgent circumstance to pass this legislation. My colleague from Washington described the National Intelligence Estimate of last week. I am going to talk about that just a bit before I talk about the funding of the accounts in this legislation that is so important to fighting terrorism—that is providing security for our ports and security in aviation, law enforcement, border protection, and so on.

Last week the National Intelligence Estimate was provided to us, both in a classified and an unclassified version. Here is what it said, in part:

Al-Qaida is and will remain the most serious terrorist threat to the homeland . . . we assess the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Let me say that again. The National Intelligence Estimate says to us the greatest threat, the most serious terrorist threat to the homeland—that means the most serious threat to the United States of America and to our homeland—is an organization called al-Qaida. They have protected or regenerated key elements of their homeland attack capability, including a safe haven in the Pakistan federally administered tribal areas.

That is a different subject on which I spoke about recently. There ought not be 1 square inch of ground on this planet that would be safe for Osama bin Laden and al-Qaida. Six years after 9/11, there ought not be 1 square inch on this entire planet Earth that is a safe haven or protected secure hideaway for the greatest or most serious threat to our country.

This should not be a surprise to us, the National Intelligence Estimate. We have been reading the accounts. This is from June 26, Jonathan Landay from the McClatchy Bureau:

While the U.S. presses its war against insurgents linked to al-Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. military and intelligence and law enforcement officials said. The threat from the radical Islamic enclave in Waziristan is more dangerous than that from Iraq, which President Bush and his aides call the central front in the war on terrorism, said some current and former U.S. officials and experts.

A month or two prior to that, senior leaders of al-Qaida operating from Pakistan over the past year have set up a band of training camps in tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence

that Osama bin Laden and his deputy al Zawahiri had been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. BYRD. What does this mean, that the Senator just said? Tell us.

Mr. DORGAN. Mr. President, it means if the most serious threat to our country exists from a terrorist organization that has rebuilt and regenerated its capability to attack us in our homeland—and that is what our National Intelligence Estimate tells us—it means homeland security is ever more important and the investments in that homeland security, in the accounts such as port security, aviation security, border security, are so unbelievably important. That is why I called this bill “urgent.” There is an urgency about passing this bill because of this serious threat.

Mr. BYRD. And what is this bill?

Mr. DORGAN. This bill is the Homeland Security Appropriations bill which provides the kinds of protections that we need for the threats and attacks against our homeland. When I describe what the National Intelligence Estimate last week said was the most serious threat to our country, I described that that threat comes from those who will attempt to cross our borders. Therefore, this bill has border security.

Mr. BYRD. Yes.

Mr. DORGAN. That threat may come from those who might try to board airplanes.

Mr. BYRD. Yes.

Mr. DORGAN. That is addressed by the issue of aviation security. That threat may come from someone nailing themselves into a container with food and telephones and a heater—

Mr. BYRD. Yes.

Mr. DORGAN. As we heard happened before, and was shipped into a port in this country in the middle of a container ship with a weapon of mass destruction or some other device by which they can attack this country. That is why this legislation of this Appropriations subcommittee contains port security. That is why there is an urgency about all of these issues.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DORGAN. I am happy to yield further.

Mr. BYRD. Say that again, will you please, Senator. I want the people of America to hear what you just said.

The point is very simple. There is an urgency in this appropriations subcommittee bill that I think is beyond the importance of other bills. Why? Because we have been told in recent weeks there is a gut feeling on the part of the person who heads our Homeland Security Agency that we may be attacked again.

We have been told by the National Intelligence Estimate that the al-Qaida

organization has reconstituted and regenerated itself and is the most serious threat to attack the homeland of the United States of America. If that is the case, and we have been warned—let me describe, again, the August 2001 Presidential daily briefing was headlined this: “Bin Laden Determined to Strike in the U.S.”

That is what the President received in August of 2001.

Mr. BYRD. Now, you say the President. What are you talking about?

Mr. DORGAN. The President of the United States, in August 2001, received this Presidential daily briefing with this title: “Bin Laden Determined to Strike in the U.S.”

My point is, in July 2007, nearly 6 years later, July 2007, the intelligence assessment from the U.S. National Counterterrorism Center says this: “Al-Qaida better positioned to strike in the West.”

Nearly 6 years later, those who attacked our country and murdered thousands of innocent Americans, we are told by those who provide the intelligence for this country that they are in a better position now to attack this country in its homeland.

Mr. BYRD. Senator, I think that is worth hearing again. I want the American people to hear what you have said.

Mr. DORGAN. Let me say it in a different way, concluding in the same manner. I am not, with this, describing one person, one organization, one philosophy at fault. I am saying there is something wrong with respect to what I think is a failure here, that is a significant failure, part of which I hope and believe can be remedied by the bill that has been put together by Senator BYRD and Senator COCHRAN, dealing with homeland security.

It has been almost 6 years since the terrorists attacked this country on 9/11/2001. After almost 6 years and two wars in two countries and well over half a trillion dollars spent at home and abroad, the deaths of thousands in our military and the wounding of tens of thousands in our military, after all that period of time, we are told there is a sanctuary, a safe haven, a safe harbor for the leaders of the greatest threat to this country, the leaders of al-Qaida.

My point is, there ought not be anywhere safe on the face of this planet. If the greatest threat to our country exists in the leadership of this organization that is rebuilding training camps and terrorist training camps, then we have done something wrong. We must, as the Senator from West Virginia and the Senator from Mississippi suggested in this bill, we must rebuild our capabilities to defend ourselves against an attack on our homeland.

But even as we do that, we must rededicate ourselves as a country to save the first and most important job, the first and most important effort, to go after and eliminate the terrorist threat. I mean, it gets back to the debate we have had with—I respect other people's views on this, but we are going

door to door in Baghdad with our soldiers in the middle of sectarian violence or a civil war when, in fact, the greatest threat to our country is in the hills somewhere between Afghanistan and Pakistan, building training camps and having the greatest capacity to attack our homeland because they have regenerated their strength.

In my judgment, that is a failure. So we have to rededicate ourselves on two points. No. 1, I believe we have to find a way to extract ourselves from the civil war in Iraq. Yes, we need to continue to do several things in force protection for our forces, training the Iraqi security and Iraqi police and Iraqi soldiers for Iraq's security, and also taking on the areas in Iraq where al-Qaida does exist.

But what is principally happening in Iraq is not about al-Qaida and terrorism, what is principally happening in Iraq is about sectarian violence and a civil war. My point is, we ought to see if we cannot make sure that we will change the policies in this country and begin to start fighting terrorists first.

That ought to be the priority. If the terrorists, al-Qaida, Osama bin Laden and their leadership, represent the greatest threat to this country, then why is that not the process by which we fight terrorists first? Instead, we are bogged down going door to door in Baghdad. Well, here is what we have. We have a piece of legislation on the floor of the Senate now that deals with homeland security.

We want homeland security, we want it to succeed. We want to be safe and secure with the ways to do that. One is to do what we have done and try to strengthen our ports, strengthen aviation, strengthen our borders. The legislation that has been brought to us today does all of that and more. This has money for mass transit security. Well, that is critically important. We know the danger and the potential danger to our subway systems, as we have seen in London with terrorist attacks.

Port security. We have had discussions on the floor of this Senate that go on and on and on, but we have these ships that come into our ports with giant containers. We are going to spend, I think in the appropriations bill on defense, we are going to spend \$10 to \$11 billion to try to provide an electronic catcher's mitt for intercontinental ballistic missiles armed with nuclear warheads.

So if we can create a catcher's mitt of some type, or hit a bullet with a bullet when an ICBM is coming in with a nuclear warhead, we are going to spend \$10 to \$11 billion to try to solve that problem. The more likely attack with a nuclear weapon is a ship, a container ship, pulling up to a port at 3 to 4 miles an hour, pulling up at the dock of one of America's major cities with a container right smack in the middle of the ship containing a weapon of mass destruction. That is the most likely threat against this country. We are not spending \$10 or \$11 billion to deal with that.

I went to a seaport once. In fact, I went to a seaport in Seattle, WA, because I do not know much about seaports. I come from a State that is not boundaried by water. So I wished to see what security was like at the seaport.

One of the things I remember from that visit was they had opened a container. Now, they do not open very many. I believe we have something akin to 11 million containers come into this country on container ships, 11 million containers. I believe it is somewhere around 3 to 5 percent are inspected, and 97 or 95 percent are not inspected.

They opened the container. It was a refrigerated container. I was kind of curious. So I looked at the back of it. There it was, 100-pound bags of broccoli from Poland. I said: Well, I see now this is a giant container full of frozen broccoli from Poland. I can see now that because you opened the door in the back and you have cut open a couple of bags.

I said, what is the middle of this container? I see what is in the back. What is deep in the middle of this container?

Well, we do not know that. We assume it is frozen broccoli. We pulled some bags out to make sure there was broccoli in this container. But the fact is, they did not check that, they could not check it. So millions of containers come in and they are not checked.

Now we have what amounts to kind of a CAT-scan device for big trucks and containers, very expensive, but it is kind of like a CAT scan for your body; you run it past the container and you can see right through the container and see what is in it. It is very expensive, very difficult to get done on 11 million containers. The same is true for air cargo. We have a Herculean task to protect this country against those who are perfectly willing to kill themselves, as long as they can kill many innocent people. This is a very difficult proposition.

So again, I say to the chairman and ranking member on the subcommittee, I think they have done a terrific job. I deeply appreciate their work. I share the comments of my colleague, Senator MURRAY from Washington, about it, with respect to border protection and the Coast Guard and all those issues they have had to deal with, without unlimited money. The fact is, we have some limited funding.

Mr. BYRD. Who is the chairman and ranking member?

Mr. DORGAN. Well, the chairman of the subcommittee is the Honorable Senator BYRD from West Virginia, and the ranking member, of course, is Senator COCHRAN from Mississippi.

Let me say to both of them, if they do not mind my saying it, at a time when there is all this discussion in the newspapers about nobody gets along, things have deteriorated in the Senate, the fact is, I think the evidence exists all across this Senate Chamber, it exists certainly with the Senator from West Virginia, Mr. BYRD, and Senator

COCHRAN, that they not only get along, they work together. They have put together a terrific piece of legislation.

That is called cooperation. There is a lot of it in this Chamber, particularly on the Appropriations Committee, which makes me proud because I think that is the way the Senate ought to work.

Now, if you will permit me, however, if the Senator from West Virginia and the Senator from Mississippi will accommodate me for one additional moment while I say wonderful things about their work, I do wish to make a cautionary comment about FEMA because we are funding FEMA to the tune of \$6.89 billion in this legislation. I am a big fan of FEMA—used to be a big fan of FEMA, I should say. I am not anymore. I hope and pray that maybe it gets its act together. It does not appear to me it is quite there yet.

But in my State, we evacuated, 10 years ago, an entire city, the largest mass evacuation since the Civil War, when Grand Forks was flooded and then had a fire in the middle of the flood, and a city of nearly 50,000 people was evacuated because of the floods in the Red River Valley.

We had FEMA show up. Unbelievable, James Lee Witt and FEMA, they knew what they were doing. They were outstanding. Everybody believed they helped that community come back together and fight that flood and deal with the consequences and come roaring back. Ten years later, that is a great success story.

FEMA, regrettably, has, in my judgment, been part of the problem rather than part of the solution. We have natural disasters that occur in this country. Hurricane Katrina comes to mind. FEMA obviously was a disgrace with respect to—at least many in FEMA were disgraceful in the way they responded to that. I wish to tell the chairman and the ranking member of one example I discovered out of many examples.

I wish to tell you about it because as we fund FEMA—and we must; we do not have a choice. When natural disasters strike, we have to have the funding to go to those folks, whether it is a hurricane or a flood or drought, we have to go to those people and say: You are not alone. This country is with you. This country wants to help you.

But I wish to tell you a story about what happened to FEMA, as I conclude. I was on the phone one day to a guy named Paul Mullinax. Paul Mullinax had a refrigerated truck in Florida. He was one of those truckers who responded when FEMA wanted to send ice down to the victims in the gulf. When Katrina hit and you had the evacuations and the dislocations and all that trouble, they needed ice. Paul Mullinax was a trucker with a refrigerated truck. So he contacted FEMA, as did thousands of others. He went to New York. He was told go to New York to pick up ice. So he went to New York to pick up some ice. He was told: Take

it to Missouri. When he got to Missouri, he was told: Take it to Mississippi. When he got to Mississippi, he sat there on the tarmac of an old military installation, along with over 100 other truckers. Here is a picture of Paul. This is actually Paul's route right here. New York to Missouri to Alabama, and then, here is a photo of Paul. He sat at a military installation in front of his truck for about 12 days.

Then he was told: I want you to take the ice back to Massachusetts. So ice, destined for the victims of Katrina, was picked up in New York, taken to Missouri, and then in this case Arkansas—excuse me, Alabama—and then it was offloaded in Massachusetts.

The reason I tell you that story right now is because that story ended last week. That ice—and by the way, it cost \$15,000 for the taxpayers to pay Paul Mullinax to pick up New York ice to take to the victims of Katrina, to go to Missouri, to Alabama and finally be told, after sitting there for 12 days, to go drive it to Massachusetts to offload it—that ice has now been stored for 2 years and this week was discarded by FEMA because they felt maybe after 2 years the ice was contaminated.

So the taxpayers took a bath. The storage of that ice was around \$20 million. The taxpayers took a bath. The victims never got the ice they needed. People such as Paul Mullinax, this guy here, said, after driving his truck all that distance: I got paid, but this was wrong for the American taxpayers. Somebody ought to answer for it.

I have spent 2 years trying to figure out who gave the orders on ice transport in FEMA. And you, by God, cannot find the answer. You cannot find the answer. I know many of the top people in FEMA were cronies, had nothing to do or no experience at all with dealing with disasters and emergency preparedness, who did not know anything about it. So the result was a complete breakdown. This is just one example.

In some ways I regret taking time during this debate, but when else? We are going to give FEMA \$6.9 billion. I want FEMA to work. I want us to be proud of FEMA. I don't want political cronies running it. I don't want someone like Paul Mullinax who hauls ice for victims to scratch his head and say: What on Earth has happened? Where has common sense gone? How is it I am told to pick up ice in New York and deliver to it Massachusetts, when it is supposed to be helping victims in Mississippi and Louisiana?

As we fund FEMA, I hope we will also do a lot of oversight in the authorizing committees because there is something fundamentally wrong. We all know that, and we need to fix it.

Mr. BYRD. Something wrong, yes.

Mr. DORGAN. Having said all that and given the requisite compliments to everyone on the floor—compliments I sincerely mean in this case—about a bill I believe is urgent, I hope we can move ahead. If there are amendments to the bill, I hope people will come and

offer them, that they will allow us to vote on them, that we won't have delay, and in the next couple of days we will demonstrate with this first appropriations bill that we can pass appropriations bills. We can do that because we will cooperate to get them done.

Mr. BYRD. Yes.

Mr. DORGAN. If we come to the floor in the next couple days and see delay on Homeland Security, I am going to be one disappointed person.

Mr. BYRD. Yes, sir.

Mr. DORGAN. Of all the bills, we ought to be saying: Let's lock arms and do this in a reasonable time; let's do this with the leadership of Senator BYRD and Senator COCHRAN.

Mr. BYRD. Let's do it.

Mr. DORGAN. I yield the floor.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD, the Budget Committee's official scoring of H.R. 2638, the Department of Homeland Security Appropriations Act for fiscal year 2008.

The bill, as reported by the Senate Committee on Appropriations, provides \$36.4 billion in discretionary budget authority for fiscal year 2008, which will result in new outlays of \$21.3 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$38.4 billion.

The Senate-reported bill is at its section 302(b) allocation for budget authority and \$10 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2638, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS, 2008

(Spending comparisons—Senate-Reported Bill (in millions of dollars))

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority	\$1,131	\$35,308	\$36,439
Outlays	1,267	37,140	38,407
Senate 302(b) allocation:			
Budget Authority			36,439
Outlays			38,417
House-passed bill:			
Budget Authority	1,137	35,125	36,262
Outlays	1,270	36,872	38,142
President's Request			
Budget Authority	1,142	33,054	34,196
Outlays	1,272	36,537	37,809
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority			0
Outlays			-10
House-passed bill:			
Budget Authority	-6	183	177
Outlays	-3	268	265
President's Request:			
Budget Authority	-11	2,254	2,243
Outlays	-5	603	598

THE PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2384 TO AMENDMENT NO. 2383

Mr. VITTER. Madam President, I ask unanimous consent to set aside the

pending amendment so I may call up amendment 2384.

The PRESIDING OFFICER. Unanimous consent is not required. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2384 to amendment No. 2383.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow for expanded uses of funding allocated to Louisiana under the hazard mitigation program while preserving the goals of the program to reduce future damage from disasters through mitigation)

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the President shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) SAVINGS PROVISION.—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) COVERED AMOUNTS.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant

program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

Mr. VITTER. Madam President, this is an important amendment for the State of Louisiana. It would be not the whole solution but a significant part of the solution to a real problem—even a crisis—we have with our recovery from Hurricanes Rita and Katrina.

This Congress and, in fact, the American people have been enormously generous in terms of responding to the devastation of those storms. One of the best examples of that unprecedented generosity is the billions of dollars the American taxpayer, through Congress, sent to the devastated areas to help people who were wiped out and had enormous uninsured losses. At the time there was a big debate: Shouldn't these folks have had more insurance? Shouldn't they have done this or that?

Congress and the American people got it right, recognizing that the event was unprecedented and recognizing, in the case of Louisiana, that most of the losses were caused by the actual failures of Federal levees. The levees broke. They broke from underneath. They were inadequately engineered. That caused devastating losses to folks throughout the greater New Orleans area in particular.

The American people and Congress responded generously. In the case of Louisiana, most of that money went into what was called the Road Home Program to help compensate folks for enormous uninsured losses, up to \$150,000 per household. That is the good news. It was unprecedented generosity. Again, we say thank you for that.

The bad news is that months later, it was determined that appropriated money would not be enough and, in fact, the Road Home Program was running short because even more claims were coming in than had been anticipated and calculated. So there is a shortfall in the program which is at the very heart of our ongoing struggle to recover.

My amendment will not fix all of that shortfall, but it would fix a big part of it. It would be a big piece of the puzzle, a big part of the solution, without costing the Federal taxpayer any more money.

There is something called the Hazard Mitigation Program that is always involved when there are natural disasters. Because of the scope and size of the devastation of Hurricanes Rita and Katrina, following those storms, that Hazard Mitigation Program would send \$1.2 billion to Louisiana. We wish to use that money in the context of the Road Home Program to help meet that shortfall, to help bridge the gap, to help fund that program. However, there are some technical requirements under normal hazard mitigation rules that prevent us from doing that. My amendment would waive those few technical requirements so the hazard mitigation money, \$1.2 billion in this case, could

be used in the context of the Road Home Program to help bridge the gap, to help make people whole.

It is important and accurate that I underscore that these requirements are technical. They are things that are normal requirements of hazard mitigation, but nothing I am waiving with this amendment would go to the heart of the hazard mitigation purpose. Congress, in setting up the program, wanted to make sure funds would be used to mitigate hazards, to make sure the same sort of losses don't happen again, to build higher, better, stronger, smarter. Nothing in my amendment gets away from that fundamental intent. That is important because I don't want to get away from the mandate and neither do most people in the House or the Senate.

Again, I underscore, this amendment would help fund our Road Home shortfall, would not cost the Federal taxpayer any more money, would preserve and honor the intent of the Hazard Mitigation Program by making sure the funds went to true hazard mitigation, rebuilding higher and better and stronger and smarter, not simply allowing people to rebuild any way they could build before. What it would do is waive certain technical requirements to make all of this work. That is appropriate given the unprecedented scope, size, and nature of the disasters about which we are talking.

I urge all of my colleagues to look hard at the amendment and then support it, because this funding shortfall within the Road Home Program is a real impediment to our ongoing challenge and struggle to recover. This amendment would be a major piece of the puzzle to solve the problem without costing the Federal taxpayer any more money and without throwing out the window the very significant and smart focus of the Hazard Mitigation Program. It would make us build smarter and stronger and higher but still help get people back, make them whole, rebuild through the Road Home Program.

I yield the floor.

MOMENT OF SILENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now observe a moment of silence in memory of Detective John Gibson and Officer Jacob Chestnut who lost their lives on July 24, 1998, protecting the men and women who visit and work in this building.

(Moment of silence.)

The PRESIDING OFFICER. Thank you.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have been watching the floor, and not much

is happening. What we are going to try to do now, with the consent of the two managers, is move to something the Republican leader has worked on for many years, and that is the Burma sanctions legislation. That will take about an hour. That will take us to 5 o'clock or thereabouts, if we do it right away. But in conferring with the two managers—this is an important appropriations bill—we want to get this thing to conference so that for any problems the White House has with it, they can weigh in and try to work this out so we can send the President a bill. So if we do not have amendments start coming in tonight or in the morning, we will move to third reading.

I have laid out, in as much detail as I could, alerting everybody what we need to do this work period. I think I am like most everyone. We have worked long and hard. We had one work period during this year that was 7 weeks long. We have worked hard. We have worked late nights. We have worked a couple of weekends. We worked all night last week. We have things we need to do at home in our States.

Speaking for this Senator, 90 percent of the people in the State of Nevada are in Reno and Las Vegas, but that makes up a relatively small part of the area of the State of Nevada. I have 10 percent of the people in the State of Nevada whom I also represent, and I need to visit with them. I have a wonderful trip scheduled this August to make a tour of places I do not have the opportunity to get to very much. With the rules changes we have made and the lack of air travel, I have to drive. I cannot take a train. There is no air travel. So I will drive around there. I am looking forward to it.

The reason I mention that is we have a lot to do when we go home in August. People have things to do, just as I do. But I told people we have to finish this Homeland Security appropriations bill. We have to complete SCHIP, which is a bipartisan bill. It was reported out of the Finance Committee 17 to 4. The two big cheerleaders we have for that legislation are Senators BAUCUS and GRASSLEY. We need to finish that. The 9/11 Commission recommendations conference, Senator LIEBERMAN informed me earlier today, should be completed very shortly, within a matter of hours. Then we have ethics and lobbying reform. We have to do that before we leave here.

I hope we can do all this by a week from Friday, but if we have a lot of delays, we cannot do that. I have said it a number of times, but we are going to finish that stuff before we leave. If there are insurmountable obstacles, one of the obstacles that is not insurmountable is to stay here until we get it done. So this is not a threat. I have indicated this is what we needed to do weeks and weeks ago.

So I hope we can have some cooperation. We need to get appropriations bills done. I had a conversation with

Josh Bolten today, the President's Chief of Staff. We are trying to figure out some way we can work together on this issue. I hope we can. One way we could start is to finish this bill.

One thing I didn't mention—it won't take a vote—but the Tuesday we get back here after the break, we are going to be on another appropriations bill. If we cannot get a motion to proceed agreed to, then we will file cloture on it and have cloture the day we get back.

I also telegraph my punches here, so there is no surprise; the next bill I want to move to is the VA-Military Construction appropriations bill. The subcommittee has changed a little bit from in the past, but my friend from Mississippi can remember when we used to do the Military Construction bill in wrap-up. There was no discussion on it at all. We know it has more jurisdiction than it had in the past. I chaired that Subcommittee on Military Construction for a while. It was really a good experience. You understand what our military leaders need. They have a process they go through to put on the drawing board what they would like, but we never give them everything they want. But, with rare exceptions, these are not just things we throw in; we work this out with the military. So that is what we are going to move to when we get back.

I laid out the schedule, and we have to move to third reading if we do not have some amendments here. We will wait until the morning. We should give everybody a chance.

Also, I say to the managers of this bill, I do not want to file cloture. I really don't want to file cloture. I hope on an appropriations bill we do not have to file cloture. Now, I know I cannot control unusual amendments on my side, and I know the distinguished former chairman and ranking member of this committee cannot control them on his side, but I hope it will not be necessary to have cloture as a result of amendments that have nothing to do with this very important piece of legislation.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, one of the things I did not do when I talked about the Burma sanctions bill—because I was so focused on the Republican leader—was to mention that working with him side by side on this legislation has been Senator FEINSTEIN. She has worked on this very much. So, again, this is something we can bring to the floor that is bipartisan. But I apologize for not mentioning her name because she has worked on this very long and hard herself.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, it is my understanding that the Senator from Virginia, Mr. WEBB, wishes to speak as in morning business for a period of time of up to—how long? It does not matter. I would like to know.

Mr. WEBB. I would estimate 10 minutes, Mr. Leader.

Mr. REID. Madam President, I ask unanimous consent that when the statement by the Senator from Virginia is completed—I ask the Senator from Virginia, would you rather complete your statement now? You are here ready to go; is that right?

Mr. WEBB. That is correct.

Mr. REID. Madam President, I ask unanimous consent that when the Senator completes his statement—when ever that might be in the next 10 or so minutes, but that be today—the Senate proceed to the immediate consideration of H.J. Res. 44, which was received from the House. I further ask consent that there be 30 minutes of debate equally divided between the two leaders or their designees and that following the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to a vote on passage, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, just briefly reserving the right to object, I was unclear if the majority leader was trying to get the Senator from Virginia up right now. I have a very brief statement related to the joint resolution we are proceeding to.

Mr. REID. Madam President, what I would suggest is—and I am sure my friend from Virginia would have no objection—the Senator from Kentucky, the Republican leader, would make his statement, and it would be made as if during the half hour's time. Would that be OK?

Mr. MCCONNELL. Yes.

Mr. REID. So you would make that now. I know you have things going on in your office.

Is that OK with the Senator from Virginia?

Mr. WEBB. It is certainly OK with me. Thank you.

Mr. REID. So I modify my request to let the Senator from Kentucky speak for however long he desires for up to 30 minutes on the Burma resolution; following that, we go to Senator WEBB. I ask unanimous consent that my consent request be approved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, parliamentary inquiry: Are we now on H.J. Res. 44?

The PRESIDING OFFICER. My understanding of the consent is that the Senator would speak against the half hour that was allotted on the resolution. Then we would go back to morning business briefly for a statement from Senator WEBB. And then we would return for the rest of the half hour of debate on the resolution the Senate will consider.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. REID. Madam President, I ask the clerk to report the resolution.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 44) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Madam President, this legislation continues the sanctions already in place against Burma's illegitimate Peace and Development Council. If enacted, these sanctions will continue to show the SPDC that the United States stands squarely with the long-suffering people of Burma and against its brutal regime.

Just last month, the International Committee of the Red Cross condemned the actions of the Burmese regime—a rare vocal stance for an organization that has historically worked to bring about change behind the scenes. The ICRC's statement, according to international observers, is the harshest it has issued since the Rwandan genocide more than 12 years ago.

Burma's sham reforms are not fooling the Red Cross and they should not be fooling anyone else. The SPDC recently resumed its so-called constitutional convention, a convention in which most delegates were selected by the regime itself and in which delegates are not allowed to offer draft changes without permission. Criticism of the draft constitution is prohibited by law. One notable provision in the draft forbids the spouse of a foreign national from sitting in Parliament, an addition clearly aimed at National League for Democracy leader and Nobel Peace Prize winner Aung San Suu Kyi, whose British husband died in 1999.

The SPDC calls the convention a "roadmap" to democracy. But on the SPDC's map, the destination is not freedom, it is tyranny.

Until the NLD and Burma's ethnic minorities are fully included in the governing process, until this process reflects true democratic principles, this convention should be shunned—shunned—by the international commu-

nity. A sham constitutional process is a step backwards, not forward.

With that said, there are some encouraging signs. International pressure on the Burmese regime has begun to increase. Members of the Association of Southeast Asia Nations have expressed concern about the SPDC's behavior, and much like the ICRC's condemnation, recent statements of ASEAN members represent a departure from traditional practice. Clearly, there is growing international impatience with the Burmese regime.

I am proud to say that the United States has long been at the vanguard of the movement to democratize Burma. Others, such as ASEAN, are following our lead. They are beginning to recognize the moral imperative to help the people of this beleaguered nation.

I am also proud of the continued unified stance taken by the Senate over the years with respect to Burma. On Monday, the Senate Finance Committee voted out this bill unanimously. The legislation has 60 cosponsors and once again enjoys broad bipartisan support.

I am pleased to be joined again by my good friend and cosponsor, the senior Senator from California, Mrs. FEINSTEIN. I also thank Rich Harper of her staff for all the hard work he has put forward to make this legislation possible. On the Republican side, my good friend Senator MCCAIN continues to use his respected voice to support the Burmese people.

It is time for the Senate, once again, to go on record and show that we stand with the people of Burma. As we do, we can be confident of their gratitude.

In a recent book on the plight of the Burmese people by author Emma Larkin, a Burmese man urges outside nations to keep the pressure on. "Change has to come from outside," he says. "The world must pinch Burma harder. . . . Give any money to these generals and it is like watching a poisonous plant grow."

Let's show that we stand for freedom and against oppression, for real democratic progress and against hollow promises of reform, against the poisonous plant that is the SPDC.

I urge my Senate colleagues to support adoption of this joint resolution.

Madam President, I ask for the yeas and nays for when we ultimately get back to the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I wish to address two issues this afternoon. Before I do, I say to the Republican leader that I will gladly support his

joint resolution. I spent time in Burma. I have observed the situation on the ground. We do need to engage Burma and assist in its movement toward better political conditions, but I believe sanctions are clearly appropriate.

(The further remarks of Mr. WEBB are printed in today's RECORD under "Morning Business.")

Mr. WEBB. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I ask unanimous consent that any time remaining in the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Madam President, I return to the floor to discuss the ongoing genocide in Darfur. Most of the discussion on the floor of the Senate and in Congress for the last several weeks has been about Iraq, and appropriately so, yet the time spent dealing with the failed policy in Iraq is a stark reminder of how it also distracts us from so many other critical issues around the world. One issue in particular is the 4-year humanitarian tragedy in the Darfur region of Sudan.

Sadly, in front of the global community's eyes, we have witnessed unspeakable horror—mass killings, rape, torture, the torching of homes and entire villages. The estimates of death are wide ranging, from 200,000 to 400,000. Some 2½ million people have been displaced from their homes, and there is a mounting refugee crisis in neighboring Chad and the Central African Republic.

Despite a worldwide call for action, the tragedy continues. The genocide in Sudan is becoming increasingly complicated and tragic. The violence threatens to destabilize an entire region, and without change there is little end in sight. Today, we have an important opportunity to break the cycle of violence, an opportunity that we must seize.

After years of duplicity and stalling, Sudanese President Bashir agreed last month to a significantly expanded joint United Nations-African Union peacekeeping force. We have to seize that opportunity and seize it quickly. Unfortunately, there are already disturbing signs this window may be closing. Yesterday, the Washington Post covered a visit by President Bashir to the Darfur section of his country. President Bashir said that people there were "living normal lives;" that only 9,000 people had died and that "most of Darfur is now secure and enjoying real peace." He rejected foreign intervention in the conflict.

This crisis has gone on long enough. Over 2 years ago, President Bush declared a genocide in Darfur. Secretary of State Colin Powell joined in that chorus. Secretary of State Condoleezza Rice also agreed. And the President said: Not on my watch—remembering the horror of Rwanda, where 800,000 people died in a genocide during the Clinton administration. President Clinton did not respond at that time, has regretted it ever since, and said so publicly. President Bush said the same thing would not happen in his administration. I have reminded the President now several times on the floor of the Senate and personally that his administration is coming to an end. If he is going to do anything about the crisis and genocide in Darfur, he needs to move and move quickly.

The need is simple: rapid deployment of a full peacekeeping force. We have seen this type of urgency with other peacekeeping forces, including last year in Lebanon, and we must act with similar speed for the people, the victims, suffering in Darfur.

Last week, U.N. Secretary General Ban Ki-moon and I had a good conversation. He returned my call on the telephone and we spoke for a few minutes. We talked about the importance of rapidly deploying a new peacekeeping force and of working toward a long-term political settlement in this region. It is my hope that our United States Ambassador to the United Nations, Zalmay Khalilzad, will work closely with Secretary General Ban Ki-moon to make these steps a reality.

The U.N. Security Council will be meeting soon to authorize this force. The Security Council should be firm in its mandate and its timeline.

The needs are clear. The force must have sufficient resources and numbers. We can help. The United States has resources set aside for peacekeeping efforts in the world. I can't think of many more pressing than the genocide in Darfur. If we are not providing soldiers, we certainly need to be providing resources.

It must have a strong chapter VII mandate for protecting civilians, peacekeepers, and humanitarian workers. Some of these nongovernmental organizations, these humanitarian workers, have been the victims of the violence in Darfur. Men and women

who are risking their lives to provide the basic necessities of life have been the targets themselves, for the jingawet militia and all the violence taking place there. This U.N. force must have a clear command-and-control structure and firm timetable. It should be clear day-to-day operational instructions come from the United Nations. The U.N. mandate must set benchmarks and hold the Sudanese Government accountable for any failure to cooperate. In particular, there should be no room for further stalling or reinterpretation by the Sudanese Government. We have been blindsided too many times by President Bashir of Sudan, who has said so many times there is no problem in Darfur; you can bring in a force; no, I have changed my mind.

As this man has weaved back and forth, more and more innocent people have died and been displaced from their homes. We must match this peacekeeping force with a renewed diplomatic effort to bring about a long-term political settlement, including naming a Special Representative of the Secretary General to monitor implementation of a comprehensive peace agreement.

The force must be deployed immediately. The notion that we are going to do this months from now is unacceptable.

Finally, we need a long-term political settlement to match the peacekeeping effort. I call on the United States, the United Nations, and the African Union to continue intensive negotiations with all parties.

I also strongly urge all parties, including those representing nonsignatory Darfur rebel movements, to participate fully in the U.N.-African Union-led negotiations and to tirelessly cooperate in the effort to bring about a political solution that will return peace and stability to the people of Darfur.

Those who choose not to participate leave themselves open to further international isolation and sanction. Each day we delay on peacekeeping and political settlement efforts leads to more death, more rape, more human suffering, more people displaced from their homes, more desperate refugees. Each day we delay, the crisis becomes more complex, with increased violence and numbers of refugees spilling over into neighboring countries creating burdens and instabilities there. Each day we delay gives President Bashir another opportunity to stall and back away from his commitment. Each day we delay is a further indictment of the global community's failure to act decisively in the face of genocide.

We must not wait another day. Let us not forget the major export of Sudan is oil. The major company in Sudan that is drilling the oil and exporting it is PetroChina, a company controlled by the Chinese Government. The Chinese need to be involved in this as well, first at the United Nations and then beyond.

A few weeks ago, after an article appeared in the Wall Street Journal written by Mia Farrow, the actress, the Chinese finally responded and made some overtures toward the Bashir Government, saying they had to act. We have not heard anything since.

It is time for the Chinese to step up. If they want to be part of this global community, they should stand on the side of civilized conduct. They should condemn the genocide in Darfur and do more.

In closing, I thank President Bush, Secretary General Ban, and U.N. Ambassador Khalilzad. I want them to know there is strong support in the Congress for swift action to field this peacekeeping force. Many of my colleagues on both sides of the aisle have spoken out for years on the need to do more to halt the genocide in Darfur. We will and we must continue to focus this concern on doing everything we can to halt this genocide.

I hope we have an active voice and role in this debate in the Senate. Yes, we can do many things—our legislative business—but not ignoring the rest of the world. I hope, in the next 2 weeks, we can take action on the floor to adopt resolutions and to make it clear, on a bipartisan basis, we want the U.N. peacekeeping force to act and act quickly in response.

We should also be working with the Ambassadors from countries that are represented in the African Union, as well as those on the Security Council, to reassure them that the United States wants swift action. We need to make sure our appropriations bills reflect the need for resources to make this a success. As the President said more than 2 years ago, "Not on my watch." We in the Congress, we in the Senate, should say the same, and we should follow that statement with action.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I compliment the distinguished Senator from Illinois on his remarks. Not only were they heartfelt but they were certainly cogent and certainly correct.

My warmest congratulations to the Senator.

Mr. DURBIN. I thank the Senator.

Mrs. FEINSTEIN. Madam President, I come to speak to the passage of the joint resolution renewing the import sanctions on Burma for another year. This legislation has been introduced for several years now by Senator MCCONNELL and myself. I began working on this issue with Senator Bill Cohen a long time ago when he was in this body.

Yesterday, the House passed the joint resolution by voice vote and the Senate Finance Committee reported the McConnell-Feinstein bill to the Senate floor on a unanimous bipartisan basis, so I urge my colleagues to pass this resolution.

These sanctions are set to expire in 2 days, that is July 26, and any delay will

only serve to benefit the ruling military junta in Burma—the State Peace and Development Council is its name—at the expense of Nobel Peace Prize Laureate and leader of the National League for Democracy Aung San Suu Kyi and the democratic opposition in Burma.

I remind my colleagues that the National League for Democracy, headed by Aung San Suu Kyi, decisively won the last parliamentary elections in 1989. These sanctions will be renewed for 1 year, so we will have a chance to discuss them in a year if the military junta should decide to make some reforms. But, simply put, the junta to date has failed to take any meaningful steps to release Suu Kyi and other political prisoners. There are over a thousand political prisoners many of her political party, elected to the Parliament, who remain in prison.

Last month, we celebrated the 62nd birthday of Aung San Suu Kyi. She spent her day, as she has for most of her past 17 years, alone and under house arrest—17 long years alone in a house in Burma, with no communication with the outside world. In May, the State Peace and Development Council renewed her sentence for yet another year.

I am heartened to know the Senate and the international community are coming together to ensure the abuses and injustices of the military junta in Burma do not go unnoticed.

Earlier this year, 45 Senators signed a letter to U.N. Secretary Ban Ki-moon, urging him to get personally involved in pressing for Suu Kyi's release. In a recent letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of State, including former Filipino President Corazon Aquino, former Czech President Vaclav Havel, former British Prime Minister John Major, and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush, called for the regime to release Aung San Suu Kyi. They correctly noted that:

Aung San Suu Kyi is not calling for revolution in Burma but rather peaceful, non-violent dialog between the military, National League for Democracy, and Burma's ethnic groups.

What kind of threat can that be to a government? The calls for Suu Kyi's release are also coming from Burma's neighbors. The Association of South-west Asian Nations, known as ASEAN, now recognizes that Burma's actions are not an internal matter but a significant threat to peace and stability in the region. At a meeting of senior diplomats last month, ASEAN made a clear call for Aung San Suu Kyi's release. That call is so welcome. I would like to encourage ASEAN to continue to speak out.

Last month, the women of the Senate—and you were one, Madam President—came together to form the Women's Caucus on Burma, to express our solidarity with Suu Kyi, to call for her

immediate release and urge the United Nations to pass a binding resolution on Burma.

We did not do this in vain. The United Nations did pass a resolution earlier this year, but unfortunately it was vetoed by China and Russia. At our inaugural event, we were pleased to be joined by First Lady Laura Bush, who added her own voice to those calling for peace and democracy in Burma.

Our message is spreading and it is clear and we will not remain silent. We will not stand still until Aung San Suu Kyi and all political prisoners are released and democratic government is restored in Burma. Let us not forget that this human rights situation compels us to action. Consider this: There are still 1,300 political prisoners in jail. According to the U.N. Special Rapporteur, over 3,000 villages have been destroyed by the military junta; 70,000 child soldiers have been forcibly recruited; and over half a million people are internally displaced in Burma today; and over 1 million people have fled Burma in the past two decades, destabilizing Burma's neighbors.

The practice of rape as a form of repression has been sanctioned by the Burmese military. Use of forced labor is widespread. Human trafficking is rampant. Burma is the world's second largest opium producer, after Afghanistan, and increasingly a source of trafficking of synthetic narcotics.

Sanctions are not a panacea for every problem, and in many cases they don't work, but in this instance, we still hope they can be effective. Suu Kyi herself has said this:

We would like the world to know that economic sanctions do not hurt the common people of Burma. We would like the European Community, the United States and the rest of the world to be aware that sanctions do help the movement for democracy in Burma.

Members of this body, this is an amazing woman, a Nobel Peace Prize winner, under house arrest for the better part of 17 years because her party was democratically elected to lead Burma. We should speak out. This resolution is one way of doing that.

I urge its passage.

I yield the floor.

Mrs. HUTCHISON. Madam President, I rise today in strong support of H.J. Res. 44, the Burmese Freedom and Democracy Act. This legislation will send a strong message to the military leaders of Burma, by renewing sanctions on their repressive regime.

As cochairman of the Senate Women's Caucus on Burma, I have closely monitored the political situation in that country, including the inspiring leadership of a brave Burmese woman named Aung San Suu Kyi. A former winner of the Nobel Peace Prize, Aung San Suu Kyi has dedicated her life for the cause of democracy in her country, including spending most of the last 17 years in detention.

I have been proud to stand with the other women of the Senate on behalf of

Aung San Suu Kyi. In May 2007, I joined with Senator FEINSTEIN, Senator COLLINS, Senator KLOBUCHAR, Senator STABENOW, and First Lady Laura Bush at a press event to show our concern for Aung San Suu Kyi, and the need for the U.S. Government to stand in solidarity with the people of Burma.

By passing the Burmese Freedom and Democracy Act, we are reengaging on this vitally important issue, but we can do, and must do, more. The U.S. should use its influence with the international community to put more pressure on the Burmese to stop the murder, oppression and imprisonment of its critics.

I know that Aung San Suu Kyi—and the people of Burma—will applaud this landmark legislation. I am proud to cosponsor it, and I urge my Senate colleagues to vote for it.

Mr. GRASSLEY. Madam President, I want to offer a few comments on H.J. Res. 44, which will renew the import ban we first imposed on Burma in 2003.

The Burmese Freedom and Democracy Act was our response to the reprehensible attack on the National League for Democracy which occurred on May 30, 2003, and the arrest of many NLD officials, including their leader, Daw Aung San Suu Kyi.

I worked with my colleagues, Senator MCCONNELL and Senator BAUCUS, to develop and pass that legislation. We authorized a ban on imports from Burma, subject to annual renewal by Congress.

As Senator BAUCUS and I noted after the Senate passed that legislation, the Burmese Freedom and Democracy Act contains a guarantee of ongoing congressional oversight. We felt it was important that the Congress revisit the issue of trade sanctions on Burma each year. That way, Congress can consider whether, in light of any changed circumstances, it is appropriate to renew the ban on Burmese imports for another year.

Unfortunately, the situation in Burma has not improved. The human rights record in Burma remains extremely poor. There is a pattern of government policies that suppress liberties. The abuses have been extensive and the trend continues to worsen. There are reportedly over 1,000 political-prisoners in jail. Daw Aung San Suu Kyi has spent 11 out the past 18 years under house arrest.

In December 2006, the United Nations General Assembly adopted a resolution expressing its grave concern over human rights violations in Burma. In addition, Burma poses serious risks to peace and security in the region. This is not the time to reward the bad actions of the illegitimate Burmese Government.

We should send a strong signal to the military junta that their ongoing behavior is unacceptable. I urge my colleagues to vote in favor of continuing the trade sanctions against Burma for another year.

Mr. BAUCUS. Madam President, "Do what you can, with what you have,

where you are." These essential principles for action, articulated by President Theodore Roosevelt, aptly apply to America's sanctions policy against the Burmese Government.

Four years ago, Congress enacted the Burmese Freedom and Democracy Act of 2003 in response to the Burmese junta's brutal crackdown on democracy advocate Aung San Suu Kyi and her followers. At the time, there were few options available to the Congress to change events in Burma. Congress did what it could with the tools available at that time.

Tragically, 4 years later, conditions in Burma have worsened. Suu Kyi remains under house arrest, which she has endured for most of the last two decades. The junta continues to commit gross human rights violations including extrajudicial killings, rape, and torture. Security forces continue to compel citizens into forced labor, and beat and abuse prisoners. And the junta's poor economic policies have made Burma one of the most impoverished countries in Asia.

When Congress considered the Burmese Freedom and Democracy Act in 2003, I expressed reservations about whether these new sanctions would have the desired effect. Too often, unilateral sanctions only worsen the plight of the oppressed people we seek to support. Too often, they fail to weaken the tyrannical governments at which they are targeted. That is why Senator GRASSLEY and I worked together to ensure that the import sanctions would not be open-ended. We agreed to revisit the ban on an annual basis to ensure that they remain the proper policy to address America's human rights concerns with Burma.

Over the last year, we have seen limited progress in our efforts to enlist the cooperation of Burma's trading partners to isolate the regime. The European Union has renewed its sanctions against Burma. Some ASEAN-member countries, which previously declined to publicly criticize the Burmese Government, are now calling for change. But none of these measures yet amounts to a unified and forceful deterrent to Burma's ruling military junta.

Democracy, national reconciliation, and respect for human rights in Burma can only be achieved if we enlist more than just the moral support of other countries. We must enlist Burma's trading partners, particularly its neighbors, to take more concrete actions that put real economic and political pressure on the military generals. I urge the administration to intensify its efforts to garner international cooperation to isolate the junta. I will support renewal of the import ban on Burma, because I am hopeful that we will see greater progress in the year ahead. In renewing the import ban on Burma, I believe we will follow the right course of action: to do what we can, with the best tools available, where we are.

The PRESIDING OFFICER. Under the previous order, the clerk will read the joint resolution for the third time.

The joint resolution (H.J. Res 44) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is on the passage of the joint resolution.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—93

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Graham	Nelson (NE)
Biden	Grassley	Pryor
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Coburn	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeMint	Lugar	Webb
Dodd	Martinez	Whitehouse
Dole	McCaskill	Wyden

NAYS—1

Enzi

NOT VOTING—6

Brownback	Clinton	McCain
Burr	Johnson	Obama

The resolution (H.J. Res. 44) was passed.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008—Continued

AMENDMENT NO. 2384

Mrs. MURRAY. Mr. President, the Senate is currently considering the Homeland Security appropriations bill. Earlier, the Senator from Louisiana offered amendment No. 2384. I am concerned that the amendment is being offered to an appropriations bill. That amendment is clearly authorizing on an appropriations bill. Notwithstanding any other provision of the law, it is my understanding that the Homeland Security and Governmental Affairs Committee objects to that amendment. Therefore, I raise a point of order under rule XVI.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2388 TO AMENDMENT NO. 2383

Mr. BINGAMAN. Mr. President, I call up Senate amendment No. 2388 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, Mrs. HUTCHISON, and Mr. CORNYN, proposes an amendment numbered 2388 to amendment No. 2383.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

At the end of the bill, insert the following:

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Border Law Enforcement Relief Act of 2007”.

SEC. 602. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on

a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term “eligible law enforcement agency” means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term “High Impact Area” means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) $\frac{2}{3}$ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) $\frac{1}{3}$ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant

other State and local public funds obligated for the purposes provided under this title.

SEC. 603. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, this amendment is aimed at providing needed assistance to law enforcement agencies to address the problem of criminal activity along our Nation's borders. The legislation is cosponsored by myself, Senator DOMENICI, Senator HUTCHISON, and Senator CORNYN. It has passed the Senate on two previous occasions, including last year as part of the Senate's 2007 Homeland Security Appropriations bill.

Specifically, the amendment establishes a competitive grant program within the Department of Homeland Security to help local law enforcement that is situated along our borders to cover some of the costs they incur as a result of having to deal with illegal immigration, with drug trafficking, with stolen vehicles, and with other border-related crimes. The amendment authorizes \$50 million a year to enable law enforcement within 100 miles of the border to hire additional personnel and obtain the equipment and cover the overtime and transportation costs they incur in these activities. Law enforcement outside of this geographic limit that is provided for in the amendment would be eligible if the Secretary of Homeland Security certified that they were located in a “High Impact Area.”

The United States shares 5,525 miles of border with Canada and 1,989 miles of border with Mexico. Many of the local law enforcement agencies that are located along these borders are small, rural departments that are charged with patrolling large areas of land with very few officers and very limited resources. According to a 2001 study of the U.S.-Mexico Border Counties Coalition, criminal justice costs associated with illegal immigration exceed \$89 million each year. Counties along the southwest border are some of the poorest in the country and are not in a good position to cover these additional costs.

For far too long, local law enforcement agencies operating along our borders have had to incur significant costs due to the inability of Government to secure our Nation's borders. It is time that the Federal Government recognize that border communities should not have to bear this burden alone. For that reason, I urge my colleagues to support this amendment.

I am informed this amendment has been cleared by both sides, and I think we are ready to go to a vote on it, unless the managers wish additional debate.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we have reviewed this amendment. It is as the Senator from New Mexico said, a matter that has been before the body

before and has been previously approved. We have no objection to proceeding as suggested by the Senator.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2388) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND HIGHER EDUCATION EXTENSION ACT OF 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1868 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1868) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Second Higher Education Extension Act of 2007".

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "July 31, 2007" and inserting "October 31, 2007".

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS

Mr. REID. Mr. President, I have spoken to the two managers, Senators BYRD and COCHRAN. We have done some work this afternoon. We are getting a feel of the legislation. Senator CANTWELL has an amendment she will offer at the appropriate time. Maybe it can be worked out with the managers. If it cannot, we certainly are not going to be able to debate it all tonight. We are working on the warrior legislation. If we decide to finish that tonight, that will be done by unanimous consent and won't require a rollcall vote. At least it won't require one tonight. So I think that with a number of balls being up in the air—and we are waiting for other Senators to come and offer amendments—we will have no more rollcall votes tonight.

I suggest, though, that Senators should understand that tomorrow is Wednesday and we really need to finish this bill. I hope Senators who have amendments to offer will do that. I checked with the managers, and I have spoken with Senator COCHRAN. Tomorrow, if we are in a period where there are no amendments being offered, we will move to third reading. If people want to improve this bill in any way that they feel appropriate, the way to do it is to come and offer an amendment.

I have said today—and I say it again—I don't want to file cloture on the bill. I think it would set a pattern for how we need to work on appropriations bills. Let's get this done in the regular order. In fact, I said earlier today—and I will say it again—I have spoken to the President's Chief of Staff about appropriations bills generally. My feeling is that we will be happy to sit down and talk to the President's people about an overall program to get these bills passed. In the meantime, let's do them one at a time. The power of the White House, whether it is a Democratic or a Republican President, comes when we have the conference, anyway.

Again, I hope we can work within the regular order to get this passed. I notify all Senate offices that there will be no more rollcall votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOUNDED WARRIOR

Mr. REID. Mr. President, we have not been able to clear the Wounded Warrior legislation. It is my understanding the minority is looking at that again tonight. Hopefully, we can get it done tomorrow.

When I come in in the morning, when the Senate convenes, I am going to ask consent again to pass that. This is one of the opportunities we have to really do something for the troops. The Defense authorization bill, the other stuff in it, doesn't become effective until the beginning of the fiscal year, October 1, but this, Wounded Warrior, becomes effective upon passage and approval, so it would really be good if we could do that sooner rather than later. As soon as we complete it here, we will be that much closer to being able to get that to the President. The House can do it very quickly.

I was meeting with the Speaker this afternoon. It is amazing what they can do in just a short period of time. I went over my list of things I wanted to complete for the Senate this next couple of weeks: This appropriations bill we are working on now, SCHIP, the conference report on ethics, and then the one on 9/11.

She had two pages of things they were going to do in the next couple of weeks. We can't do that here but she can. That is when you realize the difference between the House and the Senate.

EDUCATION AND THE MINIMUM WAGE

Mr. BROWN. Mr. President, during the last year I have listened to a lot of things Ohioans have said, have told me, as I have traveled from Cleveland to Portsmouth, and from Toledo to Cincinnati and from Youngstown to Lima and Bryan. I have heard repeatedly, particularly middle class and working families talk about lost opportunity, that they do not have the same opportunity for wage increases, do not have the same opportunity to join a union, do not have the same opportunity to send their kids to college.

Earlier today, we passed legislation—overwhelmingly, bipartisanly—finally, to raise Pell grants to increase the opportunity for young people to go to school. Pell grants had not been increased in years and years and years.

We know for students in Ohio, for example, the cost of a public education at a 4-year public school has gone up, in the last 5 years, 53 percent. The cost of a private education at a 4-year private school has gone up 28 percent. Yet the average wage in Ohio only went up 3 percent. So we have private education going up this much, public education going up this much, and wages increasing only slightly. That is why the legislation the Senate passed earlier and legislation the House is working on absolutely will matter to provide opportunity for middle-class kids.

At the same time, as I traveled the State, I heard people talk about tax policy. It is clear to people in Akron, in Youngstown, it is clear to people in Dayton and Middletown, and Hamilton and Gallipolis and Galion, OH, that too often the wealthy have paid, as their income goes up and up and up, very little in taxes, relatively, while middle-class families get more and more of a burden.

We saw, from 1946 to 1973, in the history of this country, economic opportunities for poor families and working families grew. Then, from 1973 to 2000, we saw it pretty much level out. We have seen those families who are working hard, playing by the rules, not even enjoying increases at all in their wages. In fact, they have fallen behind in too many cases.

That is why today, in addition to passing the bill providing opportunity for students to go to Ohio State or Hiram College or the University of Toledo or the University of Steubenville, students in Ohio have more opportunity—after this bill becomes law, if we can get the President to sign it—than they had yesterday.

Today is also a cause to celebrate. Today the minimum wage goes into effect. It is the first raise in 10 years. For 300,000 working Ohioans, 13 million workers nationwide, they will see their wages go up today.

For 10 years, worker productivity has gone up. In this country, more productive workers meant higher income workers. But too often we have seen a disconnect between productivity and wages. While American workers are continually more productive, their wages have not gone up. Whether that is a minimum wage worker, whether it is a worker making \$20 an hour, it is way too common.

Today, we did something about it for those minimum wage workers. Because of workers in this country—minimum wage and higher income workers—because of what they did last November, voting for change, minimum wage workers have the increase in the pay they deserve and have earned.

It is a good day for American workers. It is especially a good day for min-

imum wage workers. We have lots more work to do.

IRAQ CONTINGENCY PLANS

Mr. WEBB. Mr. President, an issue I wish to address today relates to a request that Senator CLINTON, my colleague from New York, made to the Secretary of Defense back in May, asking that appropriate oversight committees in the Congress, particularly the Armed Services Committee on which I serve, as does the Presiding Officer, be given briefings regarding what current contingency plans might exist in the Department of Defense if we do, in fact, begin a withdrawal of our forces from Iraq.

The Secretary of Defense did not respond to the Senator from New York directly. Instead, the Under Secretary of Defense for Policy, Eric Edelman, wrote her a letter with which she took great umbrage last weekend stating, and I quote from Mr. Edelman's letter, "that premature and public discussion of the withdrawal of U.S. forces from Iraq reinforces enemy propaganda that the United States will abandon its allies in Iraq, much as we are perceived to have done in Vietnam, Lebanon, and Somalia."

He then said at the end of his letter:

It is a longstanding departmental policy that operational plans, including contingency plans, are not released outside of the department.

I have great concerns about this letter, having spent 5 years working in the Pentagon and knowing these sorts of letters require coordination among the highest offices inside the Pentagon. I ask that the Secretary of Defense clarify that position of the Department of Defense on the matters that his Under Secretary addressed.

Is it the policy of the Department of Defense that a discussion of the withdrawal of forces reinforces enemy propaganda and that we might be abandoning our allies, as we are perceived to have done in Lebanon and Somalia?

The first thing I ask is, what allies did we abandon in Lebanon and Somalia?—I was in Lebanon as a journalist. We went into Lebanon as part of a U.N. peacekeeping force in order to separate warring factions. We were there purely on a mission of peace. We were not there to side with one faction or another. In Somalia, it was basically gang warfare. We all know that now.

This is the kind of rhetoric that, in my opinion, was designed purely for the purpose of attacking Senator CLINTON rather than addressing the issues that we need to be looking at.

There is probably no greater testimony to that than to just go back to the bill that Senator WARNER and Senator LUGAR offered as an amendment on the Defense authorization bill, which was just pulled because this amendment—which was put together after careful thought by the former chairman of the Armed Services Committee and the former chairman of the

Foreign Relations Committee, two of the esteemed leaders of the Republican Party—asked for the same thing. In fact, it called for the same thing.

Senator WARNER and Senator LUGAR were stating in this amendment that the President should require, among other things, a report to be presented to the Congress no later than October 16, 2007, which specifically addressed the same issues that Senator CLINTON asked to be addressed in her letter, showing what the plans might be and when they might be executable in the event we decide to withdraw our forces from Iraq.

Also, I think it is a legitimate question for people in Congress to be asking when we look back at the way we ended up going into Iraq. I was not a Member of this body, but I watched, as did so many Americans, on television as this body and the House of Representatives had administration officials testifying. They asked in the runup to this war how long we were going to be in Iraq, and the answer was a litany. It was as long as is necessary and not 1 day more.

For Under Secretary Edelman to in any way indicate that it is the policy of this administration that they do not have to share the thought they are putting into these options is totally out of line.

For that reason, I joined with Senator CLINTON, Senator BAYH, and Senator BYRD in a letter to the chairman of the Armed Services Committee specifically asking that we have hearings in the Armed Services Committee that will address these issues. If the administration wants to go into closed hearings, that is fine. But I am asking today, No. 1, that the Secretary of Defense clarify for us what his beliefs are with respect to the rhetoric that came out of a letter that took 2 months to be generated from his Department in response to what Senator CLINTON asked for; and then secondly, that the other Members of this body join me in expressing their concern on this issue.

We have to have contingency plans. It is within the purview of the Congress for us to examine them. Again, I ask Senators on both sides of the aisle to put their eyes on this and join me in this expression of concern.

ADDITIONAL STATEMENTS

NATIONAL HISTORY DAY WINNERS

● Mrs. MURRAY. Mr. President, today I recognize and congratulate three of Washington State's outstanding students, Leigh Douglas and Helen Lee from Redmond, Washington and Brian Maskal from Tacoma, WA, for their award-winning projects recognized by the National History Day program.

Each student's project reflects this year's National History Day theme, "Triumph and Tragedy in History." I am proud to say that these students were selected from more than 2,000 finalists by the National History Day program to present their projects.

Leigh Douglas presented a performance titled, "Traditional Irish Music and Dance: Triumphant over Tragedy" at the Smithsonian American Art Museum. Helen Lee's exhibit titled, "The Triangle Factory Fire: Tragedy and Triumph for the American Worker," and Brian Maskal's exhibit, "Atomic Bomb: A Race for Triumph or Tragedy" were displayed at the National Archives and Records Administration.

These students created projects that add important perspectives to the way we think about American history. Lee's exhibit explored how a workplace tragedy reshaped the role of the American worker. Douglas's performance illustrated the ability of Irish dance and music to provide strength, unity and tradition within the community. Maskal articulately portrayed the role of the atom bomb in the 20th century and how it too has reshaped the way we view the world. I am proud of the dedication and hard work of these students from Washington State.

I would like to commend the National History Day Program for empowering students like Leigh Douglas, Helen Lee, and Brian Maskal to take a deeper look into history so we can better understand and address the problems our Nation faces today.●

RECOGNIZING WARREN BERRY

● Mr. THUNE. Mr. President, today I wish to recognize Warren Berry, an intern in my Aberdeen, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Warren is a graduate of Kadoka High School in Kadoka, SD. Currently he is attending Northern State University, where he is majoring in political science and history. Warren also serves as president of the College Republican chapter at NSU. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Warren for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING JOE COOCH

● Mr. THUNE. Mr. President, today I wish to recognize Joe Cooch, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Joe is a graduate of Spearfish High School in Spearfish, SD. Currently he is attending the University of South Dakota, where he is majoring in political science and economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Joe for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING ROXY HAMMOND

● Mr. THUNE. Mr. President, today I wish to recognize Roxy Hammond, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Roxy is a graduate of Mitchell High School in Mitchell, SD. Currently she is attending South Dakota State University, where she is majoring in broadcast journalism, political science, and Spanish. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Roxy for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING HEATHER JELEN

● Mr. THUNE. Mr. President, today I wish to recognize Heather Jelen, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Heather is a graduate of Lincoln High School in Sioux Falls, SD. Currently she is attending Bethel University, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Heather for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING JOSH KLUMB

● Mr. THUNE. Mr. President, today I wish to recognize Josh Klumb, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Josh is a graduate of Mitchell Christian High School in Mitchell, SD. He is a recent graduate of Oklahoma Wesleyan University, where he majored in business administration and business marketing. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Josh for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING CODY RHODEN

● Mr. THUNE. Mr. President, today I wish to recognize Cody Rhoden, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Cody is a graduate of Sunshine Bible Academy in Miller, SD. Currently he is attending Black Hills State University, where he is majoring in business ad-

ministration. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Cody for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING KATHRYN RICH

● Mr. THUNE. Mr. President, today I recognize Kathryn Rich, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kathryn is a graduate of Stevens High School in Rapid City, SD, and Colorado State University. Currently she is attending the University of South Dakota, where she is studying law. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kathryn for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING LAURA SUNDE

● Mr. THUNE. Mr. President, today I wish to recognize Laura Sunde, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Laura is a graduate of Madison High School in Madison, SD. Currently she is attending South Dakota State University, where she is majoring in agriculture education. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Laura for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 404. An act to require the establishment of customer service standards for Federal agencies.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 495. An act to update the management of Oregon water resources, and for other purposes.

H.R. 716. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan.

H.R. 761. An act to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail.

H.R. 1239. An act to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes.

H.R. 1285. An act to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes.

H.R. 1388. An act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail.

H.R. 1503. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project.

H.R. 1526. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes.

H.R. 2400. An act to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes.

H.R. 2630. An act to amend the Federal Election Campaign Act of 1971 to prohibit certain political committees from compensating the spouse of the candidate for services provided to or on behalf of the committee, to require such committees to report on payments made to the spouse and the immediate family members of the candidate, and for other purposes.

H.R. 2798. An act to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

H.R. 3095. An act to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India.

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994; to the Committee on Environment and Public Works.

H.R. 404. An act to require the establishment of customer service standards for Federal agencies; to the Committee on Homeland Security and Governmental Affairs.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997; to the Committee on Environment and Public Works.

H.R. 495. An act to update the management of Oregon water resources, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 716. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; to the Committee on Energy and Natural Resources.

H.R. 761. An act to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Energy and Natural Resources.

H.R. 1239. An act to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1285. An act to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1503. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra Black Wash Reclamation and Riparian Restoration Project; to the Committee on Energy and Natural Resources.

H.R. 1526. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2400. An act to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2630. An act to amend the Federal Election Campaign Act of 1971 to prohibit

certain political committees from compensating the spouse of the candidate for services provided to or on behalf of the committee, to require such committees to report on payments made to the spouse and the immediate family members of the candidate, and for other purposes; to the Committee on Rules and Administration.

H.R. 2798. An act to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1388. An act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 24, 2007, she had presented to the President of the United States the following enrolled bill:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2644. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cattle for Export; Removal of Certain Testing Requirements" (Docket No. APHIS-2006-0147) received on July 23, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2645. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Areas" (Docket No. APHIS-2006-0151) received on July 23, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2646. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Idaho" (Docket No. APHIS-2007-0097) received on July 23, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2647. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the development of an alternative process that would allow Service

members to request their military identification cards not contain their Social Security Number; to the Committee on Armed Services.

EC-2648. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the conduct of the Defense Acquisition Challenge Program for fiscal year 2006; to the Committee on Armed Services.

EC-2649. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Antiboycott Penalty Guidelines" (RIN0694-AD63) received on July 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2650. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Interactive Data Voluntary Reporting Program on the EDGAR System To Include Mutual Fund Risk/Return Summary Information" (RIN3235-AJ59) received on July 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2651. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Entities to the Entity List" (RIN0694-AE06) received on July 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2652. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 32008) received on July 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2653. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to its contract with the Trinity Technology Group for security screening services at the Sonoma County Airport in Santa Rosa, California; to the Committee on Commerce, Science, and Transportation.

EC-2654. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's compliance with the Federal Manager's Financial Integrity Act; to the Committee on Commerce, Science, and Transportation.

EC-2655. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Individual Procurement Action" (RIN2700-AD34) received on July 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2656. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled "2006 Status of U.S. Fisheries"; to the Committee on Commerce, Science, and Transportation.

EC-2657. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Coast Guard Sector, Marine Inspection Zone, and Captain of the Port Zone Structure; Technical Amendment" ((RIN1625-AB07) (USCG2006-25556)) received on July 19,

2007; to the Committee on Commerce, Science, and Transportation.

EC-2658. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 2 regulations beginning with CGD05-07-010)" (RIN1625-AA00) received on July 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2659. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 10 regulations beginning with CGD01-07-03)" (RIN1625-AB00) received on July 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2660. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 9 regulations beginning with CGD01-07-080)" (RIN1625-AB00) received on July 19, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2661. A communication from the Secretary of Transportation, transmitting, proposed legislation relative to amending certain maritime programs of the Department; to the Committee on Commerce, Science, and Transportation.

EC-2662. A communication from the White House Liaison, Office of Congressional and Intergovernmental Affairs, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, received on July 20, 2007; to the Committee on Energy and Natural Resources.

EC-2663. A communication from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities" (RIN1902-AC51) received on July 20, 2007; to the Committee on Energy and Natural Resources.

EC-2664. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; Clean Air Interstate Rule Sulfur Dioxide Trading Program" (FRL No. 8442-8) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2665. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation; North Dakota; Revisions to New Source Review Rules" (FRL No. 8441-9) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2666. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8136-7) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2667. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate-Ammonium; Pesticide Tolerance" (FRL No. 8137-4) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2668. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, San Joaquin Valley Air Pollution Control District" (FRL No. 8444-3) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2669. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Penoxsulam Benzenesulfonamide; Pesticide Tolerance" (FRL No. 8137-7) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2670. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revised Compliance Dates Under the National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations" (FRL No. 8444-8) received on July 19, 2007; to the Committee on Environment and Public Works.

EC-2671. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Medicare Replacement Drug Demonstration"; to the Committee on Finance.

EC-2672. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revised Payment System Policies for Services Furnished in Ambulatory Surgical Centers Beginning in Calendar Year 2008" (RIN0938-AO73) received on July 23, 2007; to the Committee on Finance.

EC-2673. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Correction: Voluntary Reliquidation of Deemed Liquidated Entries" (CBP Dec. 07-62) received on July 20, 2007; to the Committee on Finance.

EC-2674. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment of Tacking Rule of Life/Non-Life Consolidated Return Regulations" ((RIN1545-BE85) (TD 9342)) received on July 20, 2007; to the Committee on Finance.

EC-2675. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's 2006 Performance Report relative to the Prescription Drug User Fee Act; to the Committee on Finance.

EC-2676. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—August 2007" (Rev. Rul. 2007-50) received on July 19, 2007; to the Committee on Finance.

EC-2677. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Excess Loss Accounts" ((RIN1545-BE87) (TD 9341)) received on July 19, 2007; to the Committee on Finance.

EC-2678. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (18) reports relative to vacancy announcements within the Department, received on July 20, 2007; to the Committee on Finance.

EC-2679. A communication from the Acting White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of the confirmation of a nomination for the position of Assistant Secretary, received on July 23, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2680. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Assistant Secretary for Disability Employment Policy, received on July 20, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2681. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Centers on Vocational Rehabilitation—Notice of Final Priority" (72 FR 35443) received on July 23, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2682. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report of the Food and Drug Administration's Office of Combination Products for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-2683. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on July 23, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2684. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the category rating system; to the Committee on Homeland Security and Governmental Affairs.

EC-2685. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination and a change in previously submitted report information for the position of Principal Deputy Director of National Intelligence, received on July 20, 2007; to the Select Committee on Intelligence.

EC-2686. A communication from the Editor, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Searches of Housing Units, Inmates, and Inmate Work Areas: Electronic Devices" (RIN1120-AA90) received on July 23, 2007; to the Committee on the Judiciary.

EC-2687. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a legislative proposal entitled, "Identity Theft Enforcement and Restitution Act of 2007"; to the Committee on the Judiciary.

EC-2688. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental update of the Budget that was previously transmitted earlier in the year; referred jointly to the Committees on Appropriations and Budget.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-169. A resolution adopted by the Senate of the State of Pennsylvania opposing the provisions of the Energy Policy Act of 1992 that preempt the authority of the Commonwealth of Pennsylvania to determine land use policies; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 129

Whereas, the Energy Policy Act of 2005 (EPact) was passed by the Congress on July 29, 2005, and signed into law on August 8, 2005; and

Whereas, the EPact was promoted as a comprehensive approach to growing energy needs and designed to guarantee development of domestic fuel production and energy supply, thereby ending United States dependence on foreign oil; and

Whereas, provisions of the omnibus legislation touch on nearly every segment of energy production and use, including nuclear power, electricity, natural gas, fossil fuels, renewable energy and competitive generation; and

Whereas, a provision of Title XII of the EPact, Electricity, however, preempts what have long been fundamental powers of state and local governments; and

Whereas, section 1221, for example, transfers the authority to approve the siting of certain transmission lines from state governments and their political subdivisions to agencies of the Federal Government; and

Whereas, section 1221(a) of EPact directs the United States Secretary of Energy to, in consultation with states, conduct periodic nationwide studies of electric transmission congestion; and

Whereas, the Secretary of Energy released its initial National Electric Transmission Congestion study in August 2006; and

Whereas, based upon the findings of any congestion study, the Secretary of Energy may designate "any geographical area experiencing electric energy transmission capacity constraints or congestion that adversely affects customers" as "national interest electric transmission corridor" or national corridor; and

Whereas, section 1221(b) further conveys to the Federal Energy Regulatory Commission (FERC) the authority to issue permits for construction or modification of electric transmission facilities situated or proposed to be situated in any Department of Energy designated national interest electric transmission corridor; and

Whereas, the FERC would be able to override the authority of the Pennsylvania Public Utility Commission to issue a certificate of public convenience to approve and locate a transmission line in a Department of Energy designated national interest electric transmission corridor if:

(1) the Pennsylvania Public Utility Commission had no authority to approve a specified transmission line proposal or would fail to consider interstate benefits of the proposed transmission line;

(2) the applicant would not qualify for a certificate of public convenience issued by the Pennsylvania Public Utility Commission because it does not serve end-use customers in the Commonwealth of Pennsylvania;

(3) the Pennsylvania Public Utility Commission would fail to act on an application for approval to locate and construct the new transmission line within one year of the filing of an application or one year after designation as a national interest electric transmission corridor, whichever is later; or

(4) the Pennsylvania Public Utility Commission would condition its approval in such a manner that the proposed construction or modification would not significantly reduce transmission congestion or would not be economically feasible; and

Whereas, the Pennsylvania Public Utility Commission and its predecessor, the Public Service Commission, have had jurisdictional and regulatory authority over public utilities and public utility service, including the review and approval of applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania since 1913, or for 94 years; and

Whereas, the designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania, coupled with FERC "backstop" authority to issue permits to site a transmission line and thereby override the recommendations of the Pennsylvania Public Utility Commission, would give electric utilities access to Federal eminent domain authority; and

Whereas, if FERC would institute its "backstop" authority, the holder of a FERC-issued permit would be empowered to exercise the right of eminent domain to condemn and acquire private property to locate and construct the transmission line; and

Whereas, on March 6, 2006, Allegheny Power and the PJM Interconnection, the Regional Transmission Organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia, including the Commonwealth of Pennsylvania, filed for early designation as a national interest electric transmission corridor a 240-mile, 500 kV transmission line which would extend from southwestern Pennsylvania, traverse West Virginia and terminate in northern Virginia; and

Whereas, on October 10, 2006, the PJM Interconnection submitted another request to the Department of Energy for early designation of three additional national interest electric transmission corridors that will encompass nearly all of the Mid-Atlantic region; and

Whereas, the early request filed with the United States Department of Energy by Allegheny Power and the PJM Interconnection, if granted, will include significant acreage of land in the Commonwealth of Pennsylvania; and

Whereas, on April 26, 2007, the United States Department of Energy released drafts of two national interest electric transmission corridor designations, including the Mid-Atlantic Area National Corridor; and

Whereas, the Mid-Atlantic area National Corridor designation includes counties in Ohio, West Virginia, Pennsylvania, New York, Maryland, Virginia and includes all of New Jersey, Delaware and the District of Columbia; and

Whereas, Fifty of the Commonwealth of Pennsylvania's 67 counties, or 75% of the land within the Commonwealth's geographic borders, are included in the Mid-Atlantic Area National Corridor designation; and

Whereas, in its release announcing the draft national interest electric transmission corridor designations, the Department of Energy revealed that it would convene three public meetings during a 60-day comment period; and

Whereas, in its April 26, 2007, announcement, the Department of Energy revealed that public meetings would be held in New York, Virginia and California during the 60-day comment period; and

Whereas, some local governments, citizens and preservation groups that would be directly impacted by the designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania

and some other affected states contacted the Department of Energy to express their disappointment and concern that no public meetings were planned for Pennsylvania and other affected states during the 60-day comment period; and

Whereas, on May 8, 2007, the Department of Energy announced that it would hold four additional meetings during the 60-day public comment period in some states, including the Commonwealth of Pennsylvania, that would be impacted by the national interest electric transmission corridor designations; and

Whereas, the Pennsylvania public meeting will be convened in the month of June in Pittsburgh, Pennsylvania; and

Whereas, the 60-day comment period for the Mid-Atlantic Area National Corridor designation is scheduled to end on July 6, 2007; and

Whereas, it is alleged that the transmission lines proposed to be located and constructed in the Mid-Atlantic Area National Corridor would be used to relieve energy congestion and constraints and improve electric reliability in population centers of the East Coast; and

Whereas, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania could diminish or eliminate the role of the Pennsylvania Public Utility Commission, the administrative agency of the Commonwealth that has regulatory authority over the approval of applications for the location and construction of transmission lines; and

Whereas, designation of national interest electric transmission corridors would also adversely limit or completely eliminate the roles of the Office of Consumer Advocate and the Office of Small Business Advocate; and

Whereas, the Office of Consumer Advocate and the Office of Small Business Advocate are administrative agencies of the Commonwealth of Pennsylvania that were expressly established by Pennsylvania statute to represent the interests of consumers and small businesses, respectively, in proceedings before the Pennsylvania Public Utility Commission, including certain matters related to the location and construction of transmission lines; and

Whereas, designation of national interest electric transmission corridors and FERC's accompanying "backstop" authority could diminish or even eliminate the roles of other administrative agencies of the Commonwealth of Pennsylvania that were established for the express purpose of protecting Pennsylvania's economic, natural, historical, cultural and recreational resources, including the Departments of Environmental Protection, Conservation and Natural Resources, Agriculture and Transportation as well as the Game Commission and the Historical and Museum Commission; and

Whereas, designation of national interest electric transmission corridors in the Commonwealth of Pennsylvania would undermine and in some cases eliminate the Commonwealth's ability to determinate, manage and control land use policies, including land use policies on its agricultural lands, forest reserves, recreational areas, game lands and other natural and environmentally sensitive areas; Therefore, be it

Resolved, That the Senate of Pennsylvania recognize fully the energy and environmental challenges facing the Commonwealth of Pennsylvania in general and the United States in particular; and be it further

Resolved, That the Senate believes that demand for energy continues to be a concern nationwide, especially in major population centers, and that an effective national energy policy must include increased emphasis on conservation, renewable energy, energy-

efficient alternatives, demand-side management, innovations and new technologies while simultaneously providing incentives to increase domestic production and supply; and be it further

Resolved, That the Senate recognize that an effective energy policy must be addressed nationally but should reflect traditional state and local authority over environmental and energy matters; and be it further

Resolved, That the Senate oppose the provisions of EPact which preempt the authority of the Commonwealth of Pennsylvania and its political subdivisions to determine land use policies and which usurp the traditional and fundamental authority of the Pennsylvania Public Utility Commission to review and approve applications for the location and construction of transmission lines in the Commonwealth of Pennsylvania; and be it further

Resolved, That the Senate urge the members of the Pennsylvania Congressional Delegation to support legislation to repeal section 1221 of EPact and thereby preserve the fundamental rights of the Commonwealth of Pennsylvania and its people to determine the future of land use policies; and be it further

Resolved, That copies of this resolution be transmitted to the residing officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-170. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement systems or funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 114

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a federal, state, or local retirement or pension benefit; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in

employment not covered under Social Security; and

Whereas, because of these calculation characteristics, the GPO and the WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, because the Social Security benefit statements do not calculate the GPO and the WEP, many public employees in Louisiana are unaware that their expected Social Security benefits shown on such statements will be significantly lower or nonexistent due to the service in public employment through which they are members of a Louisiana public retirement or pension system or fund; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation and the longer life expectancy of women; and

Whereas, Louisiana is making every effort to improve the quality of life of her citizens and to encourage them to live here lifelong; Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and the WEP Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2007 (H.R. 82 or S. 206) or a similar instrument. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-171. A concurrent resolution adopted by the Senate of the State of New Hampshire urging Congress to amend the No Child Left Behind Act with consideration of the National Conference of State Legislatures' task force recommendations; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION

Whereas, in 2002 the No Child Left Behind Act was enacted on a bipartisan basis, which has as its purpose bringing academic achievement in language arts, mathematics, and science to students who are not presently achieving at proficiency levels; and

Whereas, in 2004 the National Conference of State Legislatures created a bipartisan task force to study the No Child Left Behind Act and the task force suggested specific changes to make the No Child Left Behind Act more workable, more responsive to variations among the states, and more effective in improving education; and

Whereas, a stated goal of the No Child Left Behind Act is to provide flexibility for states to improve academic achievement and to close the achievement gap, the task force found that more flexibility should be granted to states to implement the No Child Left Behind Act; and

Whereas, the New Hampshire general court had representation on the bipartisan task force and concurs with the spirit of the recommendations of the National Conference of State Legislatures; and

Whereas, a well-designed growth model, with multiple forms of assessment, is a more meaningful and accurate measure of student success than the No Child Left Behind Act model of identifying schools in need of improvement; and

Whereas, the No Child Left Behind Act mandates a costly sequence of intervention services, which the task force found to be inflexible and instead recommended states to be allowed to decide the interventions when

a school is "in need of improvement": Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the New Hampshire general court urges the Congress of the United States to amend the No Child Left Behind Act with consideration of the National Conference of State Legislatures' task force recommendations, to allow each state department of education the flexibility to monitor, supervise, and evaluate each school's effectiveness in documenting the physical, personal, social, and academic growth of each child; and

That the New Hampshire general court urges the Congress of the United States to request a Government Accountability Office evaluation of the costs to states and local school districts of complying with the No Child Left Behind Act requirements and of achieving the 100 percent proficiency goals of the No Child Left Behind Act; and

That the senate clerk send copies of this resolution to the President and Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of the New Hampshire congressional delegation.

POM-172. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to repeal the REAL ID Act or delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights; to the Committee on the Judiciary.

SENATE RESOLUTION

Whereas, in May 2005 the Congress of the United States passed the REAL ID Act of 2005 (REAL ID Act) as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005 (Public Law 109-13), which was signed into law on May 11, 2005, and which becomes fully effective May 11, 2008; and

Whereas, the Senate of the Commonwealth of Pennsylvania denounces terrorism in all its forms and condemns all acts of terrorism by any entity, wherever the acts occur; and

Whereas, any new security measures to protect against terrorist attacks should be carefully designed to enhance public safety without infringing on the civil liberties and rights of citizens; and

Whereas, the REAL ID Act constitutes an unfunded mandate by the Federal Government to the states; and

Whereas, it will cost the Commonwealth of Pennsylvania an estimated \$100 million to implement the REAL ID Act; and

Whereas, the implementation of the REAL ID Act intrudes upon the states' sovereign power to determine their own policies for identification, licensure and credentialing of individuals residing therein; and

Whereas, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle agency employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens, which is neither the business nor the responsibility of government; and

Whereas, the REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license; and

Whereas, these public and private databases are likely to contain numerous errors

and false information, creating significant hardship for Americans attempting to verify their identities in order to fly, open a bank account or perform any of the numerous functions required to live in the United States today; and

Whereas, the REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement officials or victims of domestic violence, stalking or criminal harassment; and

Whereas, the REAL ID Act contains onerous record verification provisions that place unreasonable burdens on Pennsylvanians renewing their driver's licenses; and

Whereas, some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States Government and agencies of other states, may actually make it more likely that a federally required driver's license or state identification card, or the information about the bearer on which the license or card is based, will be stolen, sold or otherwise used for purposes that were never intended or that are criminally related than if the REAL ID Act had not been enacted; and

Whereas, these potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy of thousands of Pennsylvanians; and

Whereas, identification-based security provides only limited security benefits because it can be avoided by defrauding or corrupting card issuers and because it gives no protection against people not already known to be planning or committing wrongful acts; and

Whereas, a growing number of states have proposed and passed legislation that opposes the implementation of the REAL ID Act: Therefore, be it

Resolved, That the Senate of the Commonwealth of Pennsylvania support the intention of the United States Government to prevent terrorism, but not at the expense of the essential civil rights and liberties of the citizens of this country; and be it further

Resolved, That the Senate oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the Constitution of Pennsylvania or the Constitution of the United States, including the Bill of Rights; and be it further

Resolved, That the Senate urge the Pennsylvania Congressional Delegation to support measures to repeal the REAL ID Act or to delay its implementation until such time as sufficient funds are available to adequately cover the costs of implementation and amendment is made to preserve essential civil rights and liberties of the citizens of this country; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2008" (Rept. No. 110-133).

By Mr. KOHL, from the Committee on Appropriations, without amendment:

S. 1859. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-134).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 423. A bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 110-135).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 1500. A bill to support democracy and human rights in Zimbabwe, and for other purposes (Rept. No. 110-136).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 16. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Timothy D. DeGiusti, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Janis Lynn Sammartino, of California, to be United States District Judge for the Southern District of California.

Roslynn Renee Mauskopf, of New York, to be United States District Judge for the Eastern District of New York.

Joe W. Stecher, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 1859. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CORNYN (for himself and Mr. KYL):

S. 1860. A bill to control violent crime; to the Committee on the Judiciary.

By Mr. ISAKSON:

S. 1861. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia; to the Committee on Environment and Public Works.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1862. A bill to provide for the exchange and conveyance of certain National Forest land and other land in southeast Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1863. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1864. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1865. A bill to provide for mandatory availability of life insurance that does not preclude future lawful travel, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1866. A bill to amend title 49, United States Code, to exempt certain local restrictions from review under the airport noise and access restriction review program; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 1867. A bill to require the Administrator of the Federal Aviation Administration to conduct a study on the operation of helicopters over Long Island, New York and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself and Mr. ENZI):

S. 1868. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. SMITH, Mr. DODD, Mr. CARDIN, and Mr. DEMINT):

S. Res. 278. A resolution expressing the sense of the Senate regarding the announcement of the Russian Federation of its suspension of implementation of the Conventional Armed Forces in Europe Treaty; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself, Mr. MURKOWSKI, Mr. HAGEL, Mr. WEBB, and Mr. ISAKSON):

S. Res. 279. A resolution expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the King-

dom and Chosun (Korea) and the United States; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 280. A resolution congratulating the Anaheim Ducks for winning the 2007 Stanley Cup Championship; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. DURBIN):

S. Con. Res. 42. A concurrent resolution recognizing the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis, supporting the designation of a National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 444

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 444, a bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 661

At the request of Mrs. CLINTON, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Vermont (Mr. LEAHY), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a

cosponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 737

At the request of Mr. OBAMA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 737, a bill to amend the Help America Vote Act of 2002 in order to measure, compare, and improve the quality of voter access to polls and voter services in the administration of Federal elections in the States.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 838

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1338

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Mississippi (Mr. LOTT) were added

as cosponsors of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1343

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1343, a bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1492

At the request of Mr. INOUE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1492, a bill to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1496

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1496, a bill to amend the Food Security Act of 1985 to include pollinators in certain conservation programs.

S. 1514

At the request of Mr. DODD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr.

REID) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1678

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1678, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1716

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Iowa (Mr. HARKIN), the Senator from Nebraska (Mr. NELSON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1716, a bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

S. 1755

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State.

S. 1763

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1763, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 1801

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1801, a bill to require a study on the relocation of the Sector Buffalo

facilities of the Coast Guard, and for other purposes.

S. 1805

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1805, a bill to amend the National Housing Act to increase the mortgage amount limits applicable to housing insured by FHA mortgage insurance.

S. 1812

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1812, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes.

S. 1816

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1816, a bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes.

S. 1842

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1842, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 1848

At the request of Mr. BAUCUS, the names of the Senator from Montana (Mr. TESTER), the Senator from California (Mrs. BOXER), the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1852

At the request of Mr. INOUE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States.

S. 1855

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was withdrawn as a cosponsor of S. 1855, a bill to amend the Internal Revenue Code of 1986 to provide relief to individuals from the penalty for failure to pay estimated taxes

on amounts attributable to the alternative minimum tax in cases where the taxpayer was not subject to the alternative minimum tax in the preceding year.

At the request of Mr. GRASSLEY, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1855, *supra*.

S. RES. 276

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2108

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2108 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2381

At the request of Mr. KENNEDY, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 2381 proposed to S. 1642, a bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 2381 proposed to S. 1642, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. KYL):

S. 1860. A bill to control violent crime; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce a crime bill that I hope all of my colleagues will support.

Several of my colleagues and I have worked with the Department of Justice to develop an important comprehensive crime bill which will provide new tools to law enforcement and prosecutors across the country.

This is an important issue. The New York Times wrote recently that violent crime was on the rise in our larger cities. Murder, robbery and gun assaults seem to be on the rise in midsized to large cities. Experts attribute this increase, in part, to the spread of drug use, gangs, high poverty, a record number of people being released from prison, and easy access to guns and a willingness to settle disputes with them.

This comprehensive crime bill will help law enforcement officers and prosecutors beat back this rise in violent crimes. It is an extensive bill but let me discuss a few of its provisions here.

Over the past several years, Congress has worked to crack down on child predators. From the PROTECT Act in 2003 to last year's Adam Walsh Act, Congress has made clear that those who commit crimes against our children will face swift and severe punishment. The bill I am introducing today builds on this momentum and adds additional tools to the prosecutorial arsenal. Among the changes provided in this bill is an increase in the punishments for a variety of sex offenses, including providing mandatory minimums for possession of child pornography. The bill would triple the criminal fines available against electronic service providers who knowingly and willfully fail to report child pornography and would make it a Federal crime to participate in the sex tourism trade in order to produce child pornography.

We must protect the most vulnerable of us, children, and these provisions will continue this progress.

The bill amends the armed career criminal statute to create a tiered punishment approach such that defendants with more serious criminal histories who use guns will face harsher punishments, including mandatory minimum prison sentences. Additionally, the bill also increases the statute of limitations for violent crimes from 5 to 10 years.

The bill also makes some technical but important changes to the gun statutes. For instance, the bill inserts an interstate commerce jurisdictional statement in 18 U.S.C. 924h cases, the statute that prohibits the transfer of firearms to others who intend to use those firearms in a drug trafficking or violent crime. This corrects a post Lopez congressional oversight and ensures that if this statute is used, it will not be struck down. Additionally, this bill provides that those felons who are arrested for possession of firearms will be detained without bail pending trial.

We need to send a strong message of deterrence to those who would illegally use firearms. This bill sends that message loud and clear.

Finally, the bill includes some significant changes to critical terrorism statutes. For instance, this bill criminalizes providing financial support to families of suicide bombers. It also increases penalties for those convicted of material support and denies Federal benefits to convicted terrorists.

These are but a few of the provisions contained in this bill. Congress must continue to evaluate and, when necessary, provide needed tools to law enforcement to enable those public servants to effectively do their job.

This bill does that and I hope that my colleagues will support it.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1862. A bill to provide for the exchange and conveyance of certain National Forest land and other land in southeast Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, I rise today to introduce the Southeast Arizona Land Exchange and Conservation Act of 2007. This bill facilitates an important land exchange in Arizona that will provide for the acquisition and protection of environmentally sensitive lands while providing a much needed economic engine for the people of Superior, AZ, and the surrounding communities. I am pleased to be joined by Senator MCCAIN as an original cosponsor of this bill.

This is not the first time Senator MCCAIN and I have introduced this land exchange legislation. In 2005, we introduced S. 1122. S. 1122 was later modified and reintroduced in 2006 as S. 2466. S. 2466, as introduced, reflected the painstaking negotiated compromises and public feedback that we received with respect to the bill. S. 2466 had a favorable hearing before the Subcommittee on Forests and Public Lands in the Senate Committee on Energy and Natural Resources in May 2006. At that hearing, both the Forest Service and the Bureau of Land Management testified in support of the bill. The bill, however, was not enacted in the last Congress. I am pleased to say we are back again this year with a bill that includes some new provisions based on the work of the stakeholders to continue to improve the bill.

The exchange facilitates the conveyance to Resolution Copper of approximately 3,025 acres of National Forest System land, 3 miles outside of Superior, Arizona in the historic Pioneer Mining District. The acreage commonly called "Oak Flat" would be traded to Resolution Copper to facilitate future exploration, and possible development, of what may be one of the largest deposits of copper ore ever discovered in North America. The 3,025 acres of Federal lands are intermingled with, or lie next to, private lands already owned by Resolution Copper, and are located south and east of Resolution's existing underground Magma copper mine. Approximately 75 percent

of the Federal land is already blanketed by federally authorized mining claims owned by Resolution Copper that give it the right to explore and develop the minerals. Given the intermingled ownership, the public safety issues that may be associated with mining activities, and the significant financial investment Resolution Copper must make to even determine whether development of a mine is feasible, it makes sense, for Resolution Copper to own the entire Oak Flat area.

However, we also recognize that there are public impacts associated with transferring Oak Flat out of federal ownership. This bill goes far in addressing these impacts. Let me explain. First, the land exchange is conditioned on the execution of a permanent conservation easement to protect Apache Leap, a spectacular cliff area rich in cultural history on the western side of the Federal parcel. Although the conservation easement has been a feature in this bill since it was first introduced, we have expanded and strengthened the protections required by the easement. The easement will now apply to the entire Apache Leap escarpment totaling approximately 695 acres up from the 562 acres that were protected in the original bill. To address concerns that were raised that the mining operation might still affect the area, the conservation easement will not just prohibit surface development, it will also prohibit commercial mineral extraction under the easement area. In addition, the exchange includes a fund endowment for the implementation of the terms of the conservation easement.

The Oak Flat Campground, consisting of 16 rustic tent/RV sites, is located on the north side of the parcel, adjacent to U.S. Highway 60. Recognizing that the campground is used by the community and others, we are requiring that this campground be replaced on the Globe Ranger District at Resolution Copper's expense. Public access to this campground will not immediately terminate on enactment of the legislation: The bill stipulates continued public access to the campground for two years after enactment.

We also heard from the public that climbing and bouldering are important recreational resources at Oak Flat. For this reason, we included a placeholder in S. 1122 for additional climbing provisions as a good faith offer to the climbing community to work with us and Resolution Copper to address the loss of public access to climbing at Oak Flat in a way that would not compromise public safety. A compromise was reached by the stakeholders to continue temporary interim access to some climbing at Oak Flat; and execute a license between Resolution Copper and Access Fund, a national advocacy climbing organization, to allow climbers to gain access to popular climbing sites located on Resolution Copper's private land. This compromise

along with the discovery of "Tamo," a climbing gem in the Tam O'Shanter Mountains, which is slated to become Arizona's newest State park, are examples of how parties coming together can turn an unfortunate situation into a win-win.

We had hoped we would be able to make a similar announcement with regard to the cultural resource concerns that were raised by the San Carlos Apache Tribe in May of last year. Unfortunately, that is not the case. I am still hopeful, however, and I will continue to reach out to the Yavapai and Apache tribes as this bill moves through the legislative process.

In return for conveying the Federal land to Resolution Copper, the Forest Service and Bureau of Land Management will receive eight parcels of private land, totaling 4,583 acres plus \$7.5 million to be placed in a trust account to be expended by the United States on additional conservation lands in Arizona. The parcels included in this bill have been identified, and are strongly endorsed for acquisition by the Arizona Audubon Society, Nature Conservancy, Trust for Public Land, Sonoran Institute, Arizona Game and Fish Department, and numerous others. They include lands along the San Pedro River, an important internationally recognized migratory bird corridor, riparian and wetland habitat for threatened and endangered animal and plant species, including the southwestern willow flycatcher and the hedgehog cactus, and magnificent canyons and forests that are home to big game species. Most of the parcels are in holdings whose acquisition will enable more effective management of the federal land. It is in the public interest to bring these conservation lands into Federal ownership for the enjoyment of future generations.

Although the focus of this bill is the land exchange between Resolution Copper and the U.S., it also includes provisions allowing for the conveyance of Federal lands to the town of Superior. These lands include the town cemetery, lands around the town airport, and a Federal reversionary interest that exists at the airport site. These lands are included in the proposed exchange to help the town to provide its municipal needs and expand and diversify its economic development.

Though I have described the many benefits of and the important compromises that are part of this exchange, you may be asking why we are legislating this land exchange. Why not use the existing administrative land exchange process? The answer is that this exchange can only be accomplished legislatively because the Forest Service does not have the authority to convey away Federal lands in order to acquire other lands outside the boundaries of the National Forest System, no matter how ecologically valuable.

This bill contains procedural safeguards and conditions that ensure it is an equal value exchange in the public

interest. I will highlight some of those safeguards: First, it requires that all appraisals of the lands must follow standard federal practice and be performed in accordance with appraisal standards promulgated by the U.S. Department of Justice. All appraisals must also be formally reviewed, and approved, by the Secretary of Agriculture. Second, to ensure the Federal Government gets full value for the Federal parcel it is giving up, the Federal parcel will be appraised to include the minerals and appraised as if unencumbered by the private mining claims that detract from the fair market value of the land. These are important provisions not required by federal law. They are especially significant given that over 75 percent of the Federal parcel is covered by mining claims owned by Resolution Copper and the bulk of the value of the Federal parcel is expected to be the minerals. Third, the Apache Leap conservation easement is expressly excluded from the valuation of the Federal land, preventing any possibility that this easement would devalue the Federal land. By following standard appraisal practices and including these additional safeguards in the valuation process, the U.S., and ultimately the taxpayer, will receive full fair market value for both the land and the minerals it contains.

With this land exchange we can preserve lands that advance the important public objectives of protecting wildlife habitat, cultural resources, the watershed, and aesthetic values, while generating economic, recreation, and employment opportunities for state and local residents. I hope we approve the legislation at the earliest possible date. It is a winning scenario for our environment and our economy.

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1863. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, I rise today to honor the extraordinary life of Robert M. La Follette, Sr. This week, on June 14, people around my home State of Wisconsin will mark the 152nd anniversary of La Follette's birth. Throughout his life, La Follette was revered for his tireless service to the people of Wisconsin and to the people of the U.S. His dogged, full-steam-ahead approach to his life's work earned him the nickname "Fighting Bob."

Robert Marion La Follette, Sr., was born on June 14, 1855, in Primrose, a small town southwest of Madison in Dane County. He graduated from the University of Wisconsin Law School in

1879 and, after being admitted to the State bar, began his long career in public service as Dane County district attorney.

La Follette was elected to the U.S. House of Representatives in 1884, and he served three terms as a member of that body, where he was a member of the Ways and Means Committee.

After losing his campaign for reelection in 1890, La Follette returned to Wisconsin and continued to serve the people of my state as a judge. Upon his exit from Washington DC, a reporter wrote, La Follette "is popular at home, popular with his colleagues, and popular in the House. He is so good a fellow that even his enemies like him."

He was elected the 20th Governor of Wisconsin in 1900. He served in that office until 1906, when he stepped down in order to serve the people of Wisconsin in the U.S. Senate, where he remained until his death in 1925.

As a founder of the national progressive movement, La Follette championed progressive causes as governor of Wisconsin and in the U.S. Congress. As governor, he advanced an agenda that included the country's first workers compensation system, direct election of U.S. Senators, and railroad rate and tax reforms. Collectively, these reforms would become known as the "Wisconsin Idea." As governor, La Follette also supported cooperation between the state and the University of Wisconsin.

His terms in the House of Representatives and the Senate were spent fighting for women's rights, working to limit the power of monopolies, and opposing pork barrel legislation. La Follette also advocated electoral reforms, and he brought his support of the direct election of U.S. Senators to this body. His efforts were brought to fruition with the ratification of the 17th Amendment in 1913. Fighting Bob also worked tirelessly to hold the Government accountable, and was a key figure in exposing the Teapot Dome Scandal.

La Follette earned the respect of such notable Americans as Frederick Douglass, Booker T. Washington and Harriet Tubman Upton for making civil rights one of his trademark issues. At a speech before the 1886 graduating class of Howard University, La Follette said, "We are one people, one by truth, one almost by blood. Our lives run side by side, our ashes rest in the same soil. [Seize] the waiting world of opportunity. Separatism is snobbish stupidity, it is supreme folly, to talk of non-contact, or exclusion!"

La Follette ran for President three times, twice as a Republican and once on the Progressive ticket. In 1924, as the Progressive candidate for President, La Follette garnered more than 17 percent of the popular vote and carried the State of Wisconsin.

La Follette's years of public service were not without controversy. In 1917, he filibustered a bill to allow the arming of U.S. merchant ships in response

to a series of German submarine attacks. His filibuster was successful in blocking passage of this bill in the closing hours of the 64th Congress. Soon after, La Follette was one of only six Senators who voted against U.S. entry into World War I.

Fighting Bob was outspoken in his belief that the right to free speech did not end when war began. In the fall of 1917, La Follette gave a speech about the war in Minnesota, and he was misquoted in press reports as saying that he supported the sinking of the Lusitania. The Wisconsin State Legislature condemned his supposed statement as treason, and some of La Follette's Senate colleagues introduced a resolution to expel him. In response to this action, he delivered his seminal floor address, "Free Speech in Wartime," on October 16, 1917. If you listen closely, you can almost hear his strong voice echoing through this chamber as he said: "Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government, the people are the rulers in war no less than in peace."

Of the expulsion petition filed against him, La Follette said:

I am aware, Mr. President, that in pursuance of this general campaign of vilification and attempted intimidation, requests from various individuals and certain organizations have been submitted to the Senate for my expulsion from this body, and that such requests have been referred to and considered by one of the Committees of the Senate.

If I alone had been made the victim of these attacks, I should not take one moment of the Senate's time for their consideration, and I believe that other Senators who have been unjustly and unfairly assailed, as I have been, hold the same attitude upon this that I do. Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty.

This powerful speech led to a Senate investigation of whether La Follette's conduct constituted treason. In 1919, following the end of World War I, the Senate dropped its investigation and reimbursed La Follette for the legal fees he incurred as a result of the expulsion petition and corresponding investigation. This incident is indicative of Fighting Bob's commitment to his ideals and of his tenacious spirit.

La Follette died on June 18, 1925, in Washington, DC., while serving Wisconsin in this body. His daughter noted, "His passing was mysteriously peaceful for one who had stood so long on the battle line." Mourners visited the Wisconsin Capitol to view his body, and paid respects in a crowd nearing 50,000 people. La Follette's son, Robert M. La Follette, Jr., was appointed to his father's seat, and went on to be elected in his own right and to serve in this body for more than 20 years, following the progressive path blazed by his father.

La Follette has been honored a number of times for his unwavering com-

mitment to his ideals and for his service to the people of Wisconsin and of the U.S.

During the 109th Congress, I was proud to support Senate passage of a bill introduced in the House of Representatives by Congresswoman TAMMY BALDWIN that named the post office at 215 Martin Luther King, Jr., Boulevard in Madison in La Follette's honor. I commend Congresswoman BALDWIN for her efforts to pass that bill and I am pleased she is introducing House companion measures of the legislation I am introducing today in the Senate.

The Library of Congress recognized La Follette in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Fighting Bob and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the U.S. Congress. In his autobiography, Fighting Bob noted that, as governor of Wisconsin, he "made it a . . . policy to bring all the reserves of knowledge and inspiration of the university more fully to the service of the people. . . . Many of the university staff are now in State service, and a bureau of investigation and research established as a legislative reference library . . . has proved of the greatest assistance to the legislature in furnishing the latest and best thought of the advanced students of Government in this and other countries." He went on to call this service "a model which the Federal government and ultimately every state in the union will follow." Thus, the legislative reference service that La Follette created in Madison served as the basis for his work to create the Congressional Research Service at the Library of Congress.

The La Follette Reading Room was dedicated on March 5, 1985, the 100th anniversary of Fighting Bob being sworn in for his first term as a Member of Congress.

Across this magnificent Capitol in National Statuary Hall, Fighting Bob is forever immortalized in white marble, still proudly representing the state of Wisconsin. His statue resides in the Old House Chamber, now known as National Statuary Hall, among those of other notable figures who have made their marks in American history. One of the few seated statues is that of Fighting Bob. Though he is sitting, he is shown with one foot forward, and one hand on the arm of his chair, as if he is about to leap to his feet and begin a robust speech.

When then-Senator John F. Kennedy's five-member Special Committee on the Senate Reception Room chose La Follette as one of the "Five Outstanding Senators" whose portraits would hang outside of this chamber in the Senate reception room, he was described as being a "ceaseless battler for

the underprivileged" and a "courageous independent." Today, his painting still hangs just outside this chamber, where it bears witness to the proceedings of this body—and, perhaps, challenges his successors here to continue fighting for the social and government reforms he championed.

Mr. President, to honor Robert M. La Follette, Sr., during the week of the anniversary of his birth, today I am introducing two pieces of legislation. I am pleased to be joined in this effort by the senior Senator from Wisconsin, Senator KOHL; the senior Senator from Massachusetts, Senator KENNEDY; and the junior Senator from Ohio, Senator BROWN.

I am introducing a bill that would direct the Secretary of the Treasury to mint coins to commemorate Fighting Bob's life and legacy. The second bill that I am introducing today, 1864, would authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr. The minting of a commemorative coin and the awarding of the Congressional Gold Medal would be fitting tributes to the memory of Robert M. La Follette, Sr., and to his deeply held beliefs and long record of service to his state and to his country. I hope that my colleagues will support these proposals.

Let us never forget Robert M. La Follette, Sr.'s character, his integrity, his deep commitment to Progressive causes, and his unwillingness to waver from doing what he thought was right. The Senate has known no greater champion of the common man and woman, no greater enemy of corruption and cronyism, than "Fighting Bob" La Follette, and it is an honor to speak in the same chamber, and serve the same great state, as he did.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 278—EX- PRESSING THE SENSE OF THE SENATE REGARDING THE AN- NOUNCEMENT OF THE RUSSIAN FEDERATION OF ITS SUSPEN- SION OF IMPLEMENTATION OF THE CONVENTIONAL ARMED FORCES IN EUROPE TREATY

Mr. CASEY (for himself, Mr. SMITH, Mr. DODD, Mr. CARDIN, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 278

Whereas the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990 ("the CFE Treaty"), was agreed upon and signed by 22 States Parties in order to establish predictability, transparency, and stability in the balance of conventional military forces and equipment in an area of Europe stretching from the Atlantic Ocean to the Ural Mountains;

Whereas there are now 30 States Parties to the CFE Treaty, including Armenia, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia,

Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Luxembourg, Moldova, Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Spain, Turkey, Ukraine, the United Kingdom, and the United States;

Whereas the CFE Treaty is recognized as one of the most successful arms control treaties of the modern era and has served as a cornerstone of European security as the continent emerged from the shadows of the Cold War;

Whereas the CFE Treaty facilitated the destruction or conversion of over 52,000 battle tanks, armored combat vehicles, artillery pieces, combat aircraft, and attack helicopters;

Whereas the CFE Treaty continues to enable an unprecedented level of transparency into military equipment holdings and troop deployments in Europe, including over 4,000 on-site inspections of military units and installations implemented since the entry into force of the Treaty;

Whereas, on November 19, 1999, at the Organization for Security and Co-operation in Europe Summit in Istanbul, Turkey, the parties to the CFE Treaty signed an Adaptation Agreement to reflect the dissolution of the Warsaw Pact, the expansion of membership in the North Atlantic Treaty Organization ("NATO"), and other changes in the European geopolitical environment;

Whereas, at the time of the signing of the Adaptation Agreement, the Russian Federation made a series of pledges, known as the Istanbul Commitments, to withdraw its remaining military forces and equipment from the territory of Georgia and Moldova or otherwise negotiate consensual agreements on their continued presence;

Whereas while the Government of the Russian Federation has taken initial steps towards fulfilling the Istanbul Commitments, it continues to maintain troops and associated equipment in both Georgia and Moldova without the express sovereign consent of the governments of either of those countries, and the United States and other parties to the CFE Treaty have therefore refrained from taking steps to ratify the Adaptation Agreement;

Whereas, on April 26, 2007, President of the Russian Federation, Vladimir Putin, in a speech to the Federation Council of the Russian Federation, announced his intention to initiate an unspecified "moratorium" on Russian compliance with the CFE Treaty, citing the refusal of NATO Members to ratify the Adaptation Agreement, concerns over the proposed United States missile defense deployment in Poland and the Czech Republic, and new basing arrangements between the United States Government and the Governments of Bulgaria and Romania as unacceptable encroachments on the security of the Russian Federation;

Whereas the Government of the Russian Federation subsequently requested, as is its right under the CFE Treaty, an Extraordinary Conference to discuss its outstanding concerns, which was held from June 12 to June 15, 2007, in Vienna, Austria;

Whereas, on July 14, 2007, President Putin issued a formal decree announcing the intention of the Russian Federation to suspend compliance with the CFE Treaty after providing 150 days advance notice to the other CFE Treaty signatories;

Whereas President Putin justified his decision on "extraordinary circumstances" that "affect the security of the Russian Federation and require immediate measures";

Whereas the CFE Treaty provides a formal mechanism for withdrawal of a State Party from the Treaty following 150 days of notice, but does not contain any provision for suspension; and

Whereas the Department of State, in responding to the announcement by the Government of the Russian Federation to suspend compliance with the CFE Treaty, declared, "The United States is disappointed by the Russian announcement of its intention to suspend implementation of the Conventional Armed Forces in Europe (CFE) Treaty. The United States remains committed to CFE's full implementation. We also remain committed to the ratification and entry into force of the Adapted CFE Treaty. We look forward to continuing to engage with Russia and the other States Parties to the Treaty to create the conditions necessary for ratification by all 30 CFE States." Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the decision of the Government of the Russian Federation to suspend implementation of the Treaty on Conventional Armed Forces in Europe, signed at Paris November 19, 1990 ("the CFE Treaty"), is a regrettable step that will unnecessarily heighten tensions in Europe;

(2) the Senate recognizes the enduring value of the CFE Treaty as a cornerstone of European security and affirms its support for the basic principles of transparency, accountability, host country consent for the stationing of foreign military forces, and the rule of law embodied in the CFE Treaty and the 1999 Adaptation Agreement thereto;

(3) the Senate strongly urges the Government of the Russian Federation to reconsider its suspension of CFE implementation and engage with the other parties to the CFE Treaty to resolve outstanding problems and establish an agreed approach leading to the eventual implementation of the Adaptation Agreement to the CFE Treaty;

(4) the Senate calls on the Russian Federation to fulfill its Istanbul Commitments of 1999 and move speedily to withdraw all remaining forces and military equipment from Georgia and Moldova;

(5) the Senate encourages all parties to the CFE Treaty to engage the Russian Federation in seeking innovative and constructive mechanisms to fully implement the Istanbul Commitments, consistent with the principles and objectives of the Organization of Security and Cooperation in Europe (OSCE) and making full use of OSCE mechanisms;

(6) the Senate calls on all States Parties to ensure that the resolution of the current disputes surrounding the CFE Treaty be considered a priority at the highest political levels, recognizing that the CFE Treaty is important both as an arms control treaty and as an essential building block for stable relations between the Russian Federation and neighboring countries in Europe; and

(7) the Senate encourages officials of the Government of the Russian Federation to refrain from belligerent statements that only further polarize relations and jeopardize security in Europe.

SENATE RESOLUTION 279—EX- PRESSING THE SENSE OF THE SENATE REGARDING THE 125TH ANNIVERSARY OF THE 1882 TREATY OF PEACE, AMITY, COM- MERCE AND NAVIGATION BE- TWEEN THE KINGDOM AND CHOSUN (KOREA) AND THE UNITED STATES

Mr. LUGAR (for himself, Ms. MURKOWSKI, Mr. HAGEL, Mr. WEBB, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 279

Whereas both the Republic of Korea and the United States are fully democratic states with a common commitment to human rights and the rule of law;

Whereas 2007 marks the 125th anniversary of the Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States, concluded May 22, 1882, which was a seminal moment in relations between the United States and Korea;

Whereas the treaty contemplates “everlasting amity and friendship between the two peoples”, a tradition that both state signatories have worked to achieve during the past 125 years;

Whereas 2007 marks the 50th anniversary of the entry into force of the Treaty of Friendship, Commerce, and Navigation, with Protocol, signed at Seoul November 28, 1956 (8 UST 2217), between the United States and the Republic of Korea;

Whereas the United States and the Republic of Korea share a mutual interest in the peaceful denuclearization of the Korean peninsula;

Whereas nearly 40,000 citizens of the United States gave their lives during the Korean War with the hope that the Republic of Korea would remain free and independent;

Whereas the Mutual Defense Treaty, signed at Washington October 1, 1953 (5 UST 2368), between the United States and the Republic of Korea, has led to more than 50 years of effective deterrence against attack by the Democratic People's Republic of Korea;

Whereas 29,000 troops from the United States remain stationed in the Republic of Korea as a tangible sign of the commitment of the United States to the security of the Republic of Korea;

Whereas the Republic of Korea is the fourth largest contributor of troops to the peacekeeping effort in Iraq and continues its tradition of supporting the United States in key armed struggles;

Whereas the Republic of Korea is making a significant military and financial contribution to building lasting stability in Afghanistan;

Whereas the United States and the Republic of Korea continuously work to modernize their security relationship through annual Security Consultative Meetings between their defense ministers, the Strategic Consultation for Allied Partnership Dialogue, and various lower-level forums;

Whereas the economic partnership between the United States and the Republic of Korea has contributed to significant economic growth for both countries;

Whereas the Republic of Korea is the seventh largest trading partner of the United States, and the United States is the third largest trading partner of the Republic of Korea;

Whereas the Free Trade Agreement between the United States of America and the Republic of Korea, done at Washington June 30, 2007, is the first free trade agreement between the United States and a Northeast Asian nation, paving the way for greater economic efficiency and consumer benefits in both countries;

Whereas nearly 2,000,000 Korean-Americans contribute to the fabric of life in the United States and link the United States to Korea on a personal basis;

Whereas the Republic of Korea sends more international students to the United States than any other country; and

Whereas the strong relationship between the United States and the Republic of Korea across many fronts has proven beneficial for both countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the strength and endurance of the alliance between the United States and the Republic of Korea should be acknowledged and celebrated;

(2) the Free Trade Agreement between the United States of America and the Republic of Korea, done at Washington June 30, 2007, highlights the vibrancy and diversity of the common interests of the United States and the Republic of Korea and should be fully implemented by both countries;

(3) the United States should sustain substantive dialogue with both the Republic of Korea and the Democratic People's Republic of Korea, with the expectation of the eventual unification of the Korean peninsula, as it was at the signing of the Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States, concluded May 22, 1882;

(4) working with the Republic of Korea to foster greater regional cooperation in East Asia should be a priority of the United States, as such cooperation brings long and short term benefits to all those involved; and

(5) the United States and the Republic of Korea should strive to develop further a more global perspective in their partnership, with the goal of addressing international priorities such as the fight against terrorism, the promotion of human rights, the enhancement of democracy, and support for peace-keeping.

Mr. LUGAR. Mr. President, I rise today to introduce a resolution commemorating the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce, and Navigation between the Kingdom of Chosun, Korea, and the United States Treaty provisions covered the appointment of diplomatic and consular representatives, care for U.S. ships in distress or needing fuel, and protection for American citizens. The treaty also allowed that Koreans could work in the United States.

As President Reagan noted on the 100th anniversary of the treaty signing, “This Treaty marked a chapter in the history of northeast Asia and was the auspicious beginning of an enduring partnership between the United States and Korea.”

Initial efforts in 1880 by U.S. Commodore Robert W. Shufeldt to negotiate a treaty of friendship and commerce with Korea were unsuccessful. However, in an interesting similarity to current events, Chinese officials assisted in this endeavor. Viceroy Li Hongzhang, a leading Chinese figure, invited Commodore Shufeldt to visit China so that discussions could be held regarding the U.S. efforts for a treaty with Korea. In May of 1882, in part due to Chinese assistance, agreement was reached. Commodore Shufeldt and Minister Sin Hon among others, participated in the treaty ceremony in Incheon. After it arrived in the United States, the treaty was ratified the following January.

The Republic of Korea-United States partnership covers economic, educational, security, and other fronts. Nearly 40,000 American citizens gave their lives during the Korean War with the hope that the Republic of Korea would remain free and independent. The U.S. Department of Defense re-

ports that over 8,000 American personnel remain missing from their service in that war, with nearly 200 of those from my home State of Indiana.

Today, approximately 2 million Korean-Americans contribute to the fabric of life in the United States, and serve as an important link, on a personal basis, with the Republic of Korea. I am pleased to introduce this resolution with deep appreciation for this important bilateral relationship.

SENATE RESOLUTION 280—CONGRATULATING THE ANAHEIM DUCKS FOR WINNING THE 2007 STANLEY CUP CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 280

Whereas, on June 6, 2007, the Anaheim Ducks (referred to in this preamble as the “Ducks”) won their first National Hockey League Stanley Cup Championship by defeating the Ottawa Senators by a score of 6 to 2 in the fifth game of the Stanley Cup finals;

Whereas the Ducks are the first National Hockey League franchise to bring the Stanley Cup to the State of California;

Whereas the Ducks won the first Pacific Division Championship and the second Western Conference title in franchise history before winning the Stanley Cup;

Whereas the Ottawa Senators displayed the qualities of worthy opponents and played a hard-fought series against the Ducks;

Whereas the Ducks finished the regular season with the best record in the 13 year history of the franchise, with 48 wins, 20 losses, and 14 overtime losses, for a total of 110 points;

Whereas the Ducks players Francois Beauchemin, Ilya Bryzgalov, Sebastien Caron, Ryan Carter, Joe DiPenta, Ryan Getzlaf, Jean-Sebastien Giguere, Mark Hartigan, Kent Huskins, Chris Kunitz, Ric Jackman, Todd Marchant, Brad May, Andy McDonald, Drew Miller, Travis Moen, Joe Motzko, Scott Niedermayer, Rob Niedermayer, Sean O'Donnell, Samuel Pahlsson, George Parros, Dustin Penner, Corey Perry, Chris Pronger, Aaron Rome, Teemu Selanne, Ryan Shannon, and Shawn Thornton exemplify the team motto, “Heart, Sacrifice, and Passion”;

Whereas team captain Scott Niedermayer earned the Conn Smythe Trophy as the most valuable player in the 2007 Stanley Cup Playoffs;

Whereas team and community leader Teemu Selanne won his first Stanley Cup in an illustrious 15 year career that has brought pride and excitement to Orange County, California;

Whereas, under the direction of head coach Randy Carlyle and Assistant Coaches Newell Brown and Dave Farrish, the Ducks have reached the Western Conference Finals in 2 consecutive seasons and have earned a reputation as 1 of the best teams in the league;

Whereas General Manager Brian Burke has exercised impeccable vision in building a strong, competitive, and exciting team in Anaheim;

Whereas team owners Henry and Susan Samueli have infused the Ducks with a winning spirit and have demonstrated an unparalleled commitment to hockey fans and the community;

Whereas Ducks fans are enthusiastic and passionate about the team and the sport of

hockey and are integral to the success of the Ducks, and the National Hockey League, in the State of California;

Whereas the Ducks have established a winning tradition in Orange County;

Whereas the Ducks exemplify the championship spirit of the State of California; and

Whereas the Ducks won the 2007 Stanley Cup Championship in a convincing fashion: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Anaheim Ducks for winning their first Stanley Cup Championship;

(2) congratulates the Anaheim Ducks for winning the first Stanley Cup Championship in the history of the State of California; and

(3) commends the players, coaches, managers, and owners of the Anaheim Ducks for their heart, sacrifice, and passion.

SENATE CONCURRENT RESOLUTION 42—RECOGNIZING THE NEED TO PURSUE RESEARCH INTO THE CAUSES, TREATMENT, AND EVENTUAL CURE FOR IDIOPATHIC PULMONARY FIBROSIS, SUPPORTING THE DESIGNATION OF A NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK, AND FOR OTHER PURPOSES

Mr. COLEMAN (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 42

Whereas idiopathic pulmonary fibrosis is a serious lung disorder that causes progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is 1 of about 200 disorders that are called “interstitial lung diseases”;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs that causes an irreversible loss of the ability of the lung tissue to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas more than 128,000 people in the United States have idiopathic pulmonary fibrosis, and more than 48,000 new cases are diagnosed each year;

Whereas there has been a 156-percent increase in mortality from idiopathic pulmonary fibrosis since 2001;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under-diagnosed;

Whereas the median survival rate for patients with idiopathic pulmonary fibrosis is 2 to 3 years, about ⅓ of patients with idiopathic pulmonary fibrosis die within 5 years, and approximately 40,000 patients with idiopathic pulmonary fibrosis die each year; and

Whereas there is a pressing need to increase awareness and detection of this misdiagnosed and under-diagnosed disorder, and of all interstitial lung diseases: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer

from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis while funding research to help find a cure for this disorder;

(4) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) welcomes the issuance of a proclamation designating an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week; and

(6) supports the goals and ideals of a National Idiopathic Pulmonary Fibrosis Awareness Week.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2383. Mr. BYRD (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

SA 2384. Mr. VITTER proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2385. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2386. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2387. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2388. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. HUTCHISON, Mr. CORNYN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2389. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2390. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2391. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2392. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2393. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2394. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill

H.R. 2638, supra; which was ordered to lie on the table.

SA 2395. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2396. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2398. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2399. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2400. Mr. VITTER (for himself, Mr. NELSON, of Florida, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2401. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2383. Mr. BYRD (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for the Department of Homeland Security and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$100,000,000: *Provided*, That not to exceed \$40,000 shall be for official reception and representation expenses: *Provided further*, That \$15,000,000 shall not be available for obligation until the Secretary certifies and reports to the Committees on Appropriations of the Senate and the House of Representatives that the Department has revised Departmental guidance with respect to relations with the Government Accountability Office to specifically provide for: (1) expedited timeframes for providing the Government Accountability Office with access to records not to exceed 20 days from the date of request; (2) expedited timeframes for interviews of program officials by

the Government Accountability Office after reasonable notice has been furnished to the Department by the Government Accountability Office; and (3) a significant streamlining of the review process for documents and interview requests by liaisons, counsel, and program officials, consistent with the objective that the Government Accountability Office be given timely and complete access to documents and agency officials: *Provided further*, That the Secretary shall make the revisions to Departmental guidance with respect to relations with the Government Accountability Office in consultation with the Comptroller General of the United States.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$234,883,000, of which not to exceed \$3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount, \$6,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations; and \$88,000,000 shall remain available until expended for the Consolidated Headquarters Project.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$30,076,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$321,100,000; of which \$82,400,000 shall be available for salaries and expenses; and of which \$238,700,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, of which \$97,300,000 shall be for the National Center for Critical Information Processing and Storage: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$306,000,000, to remain available until September 30, 2009, of which not to exceed \$5,000 shall be for official reception and representation expenses.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, \$3,000,000: *Provided*, That \$1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2008.

OFFICE OF INSPECTOR GENERAL OPERATING EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$95,211,000, of which not to exceed \$150,000 may be used for certain con-

fidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (2,400 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$6,601,058,000; of which \$230,316,000 shall remain available until September 30, 2009, to support software development, equipment, contract services, and the implementation of inbound lanes and modification to vehicle primary processing lanes at ports of entry; of which \$3,093,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which not less than \$226,740,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2008, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, \$476,609,000, to remain available until expended, of which not less than \$316,969,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, \$216,969,000 may not be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-

based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them; and

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for customs and border protection fencing, infrastructure, and technology, \$1,000,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading, \$500,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 90 days after the date of enactment of this Act, that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-

based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;

(10) a description of initial plans for securing the Northern border and United States maritime border; and

(11) which is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of as-

sistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$488,947,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2008 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$274,863,000, to remain available until expended; of which \$40,200,000 shall be for the Advanced Training Center.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$4,401,643,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than \$203,000 shall be for Project Alert; of which not less than \$5,400,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2008, of which not to exceed \$6,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than November 1, 2007, that the operations of the Federal Protective Service will be fully funded in fiscal year 2008 through revenues and collection of security fees: *Provided further*, That a certification shall be

provided no later than February 10, 2008, for fiscal year 2009.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$15,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$5,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$16,250,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,039,559,000, to remain available until September 30, 2009, of which not to exceed \$10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed \$4,074,889,000 shall be for screening operations, of which \$529,400,000 shall be available only for procurement and installation of checked baggage explosive detection systems; and not to exceed \$964,445,000 shall be for aviation security direction and enforcement: *Provided further*, That security service fees authorized under section 4494 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than \$2,329,334,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2009: *Provided further*, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, \$41,413,000, to remain available until September 30, 2009.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, \$67,490,000, to remain available until September 30, 2009.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to

providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$524,515,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, \$20,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan required for checkpoint technologies as described in the joint explanatory statement of managers accompanying the fiscal year 2007 conference report (H. Rept. 109-699): *Provided further*, That this plan shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$722,000,000.

UNITED STATES COAST GUARD OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$5,930,545,000, of which \$340,000,000 shall be for defense-related activities; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$10,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, \$12,079,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; \$126,883,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$1,048,068,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$9,200,000 shall be available until September 30, 2012, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$173,600,000 shall be available until September 30, 2010, for other equipment; of which \$37,897,000 shall be available until September 30, 2010, for shore facilities

ties and aids to navigation facilities; of which \$505,000 shall be available for personnel related costs; and of which \$770,079,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2010: *Provided further*, That of amounts made available under this heading in Public Law 109-90, \$48,787,000 for the Offshore Patrol Cutter are rescinded: *Provided further*, That of the amounts made available under this heading in Public Law 109-295, \$8,000,000 for the Fast Response Cutter (FRC-A) are rescinded: *Provided further*, That the Secretary shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act for funds made available for the Integrated Deepwater Program, that: (1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset; (2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff; (3) includes a certification by the Chief Human Capital Officer of the Department that current human capital capabilities are sufficient to execute the plans discussed in the report; (4) identifies individual project balances by fiscal year, including planned carryover into fiscal year 2009 by project; (5) identifies operational gaps for all Deepwater assets and an explanation of how funds provided in this Act address the shortfalls between current operational capabilities and requirements; (6) includes a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Coast Guard actions to address the recommendations, including milestones for fully addressing them; (7) includes a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7; (8) identifies competition to be conducted in each procurement; (9) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with plans for addressing these risks and the status of their implementation; (10) identifies the use of independent validation and verification; and (11) is reviewed by the Government Accountability Office: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2009 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: *Provided further*, That the Secretary shall submit to the Committees on

Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

- (1) the proposed appropriation included in that budget;
- (2) the total estimated cost of completion;
- (3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;
- (4) an estimated completion date at the projected funding levels; and
- (5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), \$16,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$25,583,000, to remain available until expended, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,184,720,000, to remain available until expended.

UNITED STATES SECRET SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of

not to exceed 645 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,392,171,000, of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2009: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$3,725,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for National Protection and Programs, the National Protection Planning Office, support services for business operations and information technology, and facility costs, \$30,000,000: *Provided*, That of the amount provided, \$15,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve in full an expenditure plan by program, project, and activity; prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security pro-

grams and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$527,099,000, of which \$497,099,000 shall remain available until September 30, 2009.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), \$362,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, \$100,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that includes:

(1) a detailed accounting of the program's progress to date relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, and program management capabilities;

(2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

(4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;

(5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;

(6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

(7) a certification by the Chief Procurement Officer of the Department that the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;

(8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as

well as a listing of all the program's high risks and the status of efforts to address them;

(9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report; and

(10) which is reviewed by the Government Accountability Office.

OFFICE OF HEALTH AFFAIRS

For the necessary expenses of the Office of Health Affairs, \$115,000,000; of which \$20,817,000 is for salaries and expenses; and of which \$94,183,000 is for biosurveillance, biowatch, chemical response, and related activities for the Department of Homeland Security, to remain available until September 30, 2009: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration, \$678,600,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394): *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses: *Provided further*, That \$426,020,000 shall be for Operations Activities: *Provided further*, That \$216,580,000 shall be for Management Activities: *Provided further*, That \$6,000,000 shall be for the Office of the National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107-296, the Homeland Security Act of 2002: *Provided further*, That of the total amount made available under this heading, \$30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed \$1,600,000 may be made available for administrative costs.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, \$3,030,500,000, which shall be allocated as follows:

(1) \$525,000,000 for formula-based grants and \$375,000,000 for law enforcement terrorism prevention grants, to be allocated in accordance with section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That not to exceed 3 percent of these amounts shall be available for program administration: *Provided further*, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That, in the

event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by \$1,000 per day until such actions are executed: *Provided further*, That not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds; except in the case of Puerto Rico, where not less than 50 percent of any grant under this paragraph shall be made available to local governments within 60 days after the receipt of the funds.

(2) \$1,836,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) \$820,000,000 shall be for use in high-threat, high-density urban areas, of which \$20,000,000 shall be available for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high-risk of a terrorist attack;

(B) \$50,000,000 shall be for the Regional Catastrophic Preparedness Grants;

(C) \$400,000,000 shall be for infrastructure protection grants related to port security pursuant to 46 U.S.C. 70107;

(D) \$16,000,000 shall be for infrastructure protection grants related to trucking industry security;

(E) \$12,000,000 shall be for infrastructure protection grants related to intercity bus security;

(F) \$400,000,000 shall be for infrastructure protection grants related to intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security;

(G) \$50,000,000 shall be for infrastructure protection grants related to buffer zone protection;

(H) \$40,000,000 shall be available for the Commercial Equipment Direct Assistance Program;

(I) \$33,000,000 shall be for the Metropolitan Medical Response System; and

(J) \$15,000,000 shall be for Citizens Corps:

Provided, That not to exceed 3 percent of subparagraphs (A)–(J) shall be available for program administration: *Provided further*, That for grants under subparagraphs (A), (B), and (J), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Secretary shall be reduced by \$1,000 per day until such actions are executed: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: *Provided further*, That for grants under subparagraphs (C) through (G), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Federal Emergency Management Agency shall act on such applications not later than 60 days after the date on which such an application is received: *Provided further*, That, in the event established timeframes detailed in the preceding proviso for departmental actions are missed, funding for the Immediate Office of the Deputy Sec-

retary shall be reduced by \$1,000 per day until such actions are executed.

(3) \$294,500,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed \$1,000,000, as determined necessary by the Secretary of Homeland Security: *Provided further*, That the preceding proviso shall not apply to grants under subparagraphs (B), (C), (F), and (G) of paragraph (2) of this heading: *Provided further*, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with the Federal Emergency Management Agency certified training, as needed: *Provided further*, That the Government Accountability Office shall report on the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence) used by the Secretary of Homeland Security for the purpose of allocating grants funded under this heading, and the application of those factors in the allocation of funds to the Committees on Appropriations of the Senate and the House of Representatives on its findings not later than 45 days after the date of enactment of this Act: *Provided further*, That within seven days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the Government Accountability Office with the risk methodology and other factors that will be used to allocate grants funded under this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$700,000,000: *Provided*, That not to exceed five percent of this amount shall be available for program administration: *Provided further*, That funds shall be allocated as follows: (1) \$560,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229), to remain available until September 30, 2009; and (2) \$140,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$300,000,000: *Provided*, That total administrative costs shall not exceed three percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2008, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be depos-

ited in this account as offsetting collections and will become available for authorized purposes on October 1, 2008, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$43,300,000.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,700,000,000, to remain available until expended: *Provided*, That of the total amount provided, \$13,500,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That up to \$48,000,000 and 250 positions may be transferred to "Management and Administration", Federal Emergency Management Agency, for management and administration functions, subject to section 503 of this Act.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$875,000, of which \$580,000 is for administrative expenses to carry out the direct loan program and \$295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That total administrative costs shall not exceed three percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$145,000,000, which is available as follows: (1) not to exceed \$45,642,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed \$99,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain available until September 30, 2009, including up to \$34,000,000 for flood mitigation expenses under section 1366 of that Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2009: *Provided*, That in fiscal year 2008, no funds shall be available from the National Flood Insurance Fund in excess of: (1) \$70,000,000 for operating expenses; (2) \$773,772,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$90,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: *Provided further*, That total administrative costs shall

not exceed four percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND
(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968, \$34,000,000 (42 U.S.C. 4104c), to remain available until September 30, 2009, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$34,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$120,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): *Provided further*, That total administrative costs shall not exceed three percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV

RESEARCH AND DEVELOPMENT,
TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION
SERVICES

For necessary expenses for citizenship and immigration services, \$50,523,000: *Provided*, That of the total, \$20,000,000 provided to address backlogs of security checks associated with pending applications and petitions shall not be available for obligation until the Secretary of Homeland Security and the United States Attorney General submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

FEDERAL LAW ENFORCEMENT TRAINING
CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$221,076,000, of which up to \$43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2009; of which \$300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed \$12,000 shall be for official reception and representation expenses: *Pro-*

vided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note) as amended by Public Law 109-295 (120 Stat. 1374) is further amended by striking “December 31, 2007” and inserting “December 31, 2011”.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$44,470,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$140,632,000: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND
OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); \$697,364,000, to remain available until expended; and of which \$103,814,000 shall be for necessary expenses of the field laboratories and assets of the Science and Technology Directorate.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office and for management and administration of programs and activities, \$32,000,000: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND
OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, \$336,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$182,000,000, to remain available until September 30, 2010: *Provided*, That none of the funds appropriated under this heading shall be obligated for full-scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds available in this Act shall be available to carry out section 872 of Public Law 107-296.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2008 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the “Department of Homeland Security Working Capital Fund”, except for the activities and amounts allowed in the President’s fiscal year 2008 budget, excluding

sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: *Provided*, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations for salaries and expenses for fiscal year 2008 in this Act shall remain available through September 30, 2009, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2008 until the enactment of an Act authorizing intelligence activities for fiscal year 2008.

SEC. 507. The Federal Law Enforcement Training Accreditation Board shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account for which the funds are being drawn from: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants; law enforcement terrorism prevention grants; high-threat, high-density urban areas grants; or regional catastrophic preparedness grants.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these train-

ing centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108-334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.

(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes: (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. (a) None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may

be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

(b) None of the funds appropriated by this or any other Act to the United States Secret Service shall be made available for the protection of a Federal official, other than persons granted protection under section 3056(a) of title 18, United States Code, and the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into an agreement to perform such protection on a fully reimbursable basis for protectees not designated under section 3056(a) of title 18, United States Code.

SEC. 517. (a) The Secretary of Homeland Security is directed to research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Transportation Security Administration shall report air cargo inspection statistics quarterly to the Committees on Appropriations of the Senate and the House of Representatives, by airport and air carrier, within 45 days after the end of the quarter including any reason for non-compliance with the second proviso of section 513 of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108-334, 118 Stat. 1317).

SEC. 518. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.

SEC. 519. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar or like capacity, who has not received COTR training.

SEC. 520. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" in fiscal years 2004, 2005, 2006, and 2007 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems, subject to notification.

SEC. 521. Section 525(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1382) shall apply to fiscal year 2008.

(RESCISSION OF FUNDS)

SEC. 522. From the unobligated balances of funds transferred to the Department of Homeland Security when it was created in 2003, excluding mandatory appropriations, \$45,000,000 is rescinded, of which \$12,000,000 shall be rescinded from Departmental Operations; \$12,000,000 shall be rescinded from the Office of State and Local Government Coordination; and \$6,000,000 shall be rescinded from the Working Capital Fund.

SEC. 523. Any funds appropriated to United States Coast Guard, "Acquisition, Construction, and Improvements" in fiscal years 2002,

2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 524. The Department of Homeland Security Working Capital Fund, established, pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2008.

SEC. 525. (a) The Federal Emergency Management Agency (FEMA) shall submit a quarterly report to the Committees on Appropriations of the Senate and the House of Representatives detailing the allocation and obligation of funds for “Disaster Relief” to include:

(1) status of the Disaster Relief Fund (DRF) including obligations, allocations, and amounts undistributed/unallocated;

(2) allocations, obligations, and expenditures for all open disasters;

(3) information on national flood insurance claims;

(4) obligations, allocations and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance and individual assistance;

(5) mission assignment obligations by agency, including:

(A) the amounts reimbursed to other agencies that are in suspense because FEMA has not yet reviewed and approved the documentation supporting the expenditure; and

(B) a disclaimer if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective;

(6) the amount of credit card purchases by agency and mission assignment;

(7) specific reasons for all waivers granted and a description of each waiver;

(8) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract and the reason for the lack of competitive award; and

(9) an estimate of when available appropriations will be exhausted, assuming an average disaster season.

(b) The Secretary of Homeland Security shall at least quarterly obtain from agencies performing mission assignments each such agency’s actual obligation and expenditure data and report to the Committees on Appropriations of the Senate and the House of Representatives.

(c) For any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Stafford Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department of Homeland Security policies on—

(1) the detailed information required in supporting documentation for reimbursements, and

(2) the necessity for timeliness of agency billings.

SEC. 526. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 527. Section 532(a) of Public Law 109–295 is amended by striking “2007” and inserting “2008”.

SEC. 528. The Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 529. None of the funds provided in this Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design, and construction centers, maintenance and logistics command centers, and the Coast Guard Academy, except as specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 530. EXTENSION OF THE IMPLEMENTATION DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL INITIATIVE. Subparagraph (A) of section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking “This plan shall be implemented not later than three months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier.” and inserting “Such plan may not be implemented earlier than the date that is the later of 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subparagraph (B) or June 1, 2009.”.

SEC. 531. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

“(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.”.

SEC. 532. None of the funds provided in this Act under the heading “Office of the Chief Information Officer” shall be used for data center development other than for the National Center for Critical Information Processing and Storage until the Chief Information Officer certifies that the National Center for Critical Information Processing and Storage is fully utilized as the Department’s primary data storage center at the highest capacity throughout the fiscal year.

SEC. 533. None of the funds in this Act shall be used to reduce the United States Coast Guard’s Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 534. (a) Notwithstanding section 503 of this Act, up to \$25,000,000 from prior year balances currently available to the Transportation Security Administration may be transferred to “Transportation Threat Assessment and Credentialing” for the Secure Flight program.

(b) In carrying out the transfer authority under subsection (a), the Transportation Security Administration shall not utilize any prior year balances from the following programs: screener partnership program; explosive detection system purchase; explosive detection system installation; checkpoint support; aviation regulation and other enforcement; air cargo; and air cargo research and development: *Provided*, That any funds proposed to be transferred under this section shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for such funds

that is submitted by the Secretary of Homeland Security: *Provided further*, That the plan shall be submitted simultaneously to the Government Accountability Office for review consistent with its ongoing assessment of the Secure Flight Program as mandated by section 522(a) of Public Law 108–334 (118 Stat. 1319).

SEC. 535. DISASTER ASSISTANCE FOR SCHOOLS. (a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency;

(2) the term “covered assistance” means assistance—

(A) provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172);

(B) to be used to—

(i) repair, restore, reconstruct, or replace school facilities; or

(ii) replace lost contents of a school; and

(C) for damage caused by Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(3) the term “local educational agency” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ASSISTANCE TO SCHOOLS.—

(1) IN GENERAL.—A local educational agency that has applied for covered assistance before the date of enactment of this Act may request that such assistance (including any eligible costs discovered after the date of the estimate of eligible costs under section 406(e)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(e)(1)(A))) and any cost that was determined to be an eligible cost after an appeal or review) be provided in a single payment.

(2) DISBURSEMENT OF ASSISTANCE.—Not later than 30 days after the date that a local educational agency makes a request under paragraph (1), the Administrator shall provide in a single payment any covered assistance for any eligible cost that was approved by the Administrator on or before the date of that request.

(3) FLOOD INSURANCE REDUCTION.—For any covered assistance provided under paragraph (2), the Administrator shall make not more than 1 reduction under section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)) in the amount of assistance provided.

(c) ALTERNATE USE.—For any covered assistance provided under subsection (b)(2), the amount of that assistance shall not be reduced under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)).

(d) APPLICABILITY.—This section shall apply to any covered assistance provided on or after the date of enactment of this Act.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2008”.

SA 2384. Mr. VITTER proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the President shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the

existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) **PROCEDURES.**—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) **WAIVER.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) **EXCEPTION.**—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) **SAVINGS PROVISION.**—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) **COVERED AMOUNTS.**—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2385. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:
SEC. 536. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION.

The Department of Homeland Security, including the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of an already available electronic management, tracking, accountability system to strengthen and enhance information sharing on Federal and State grant allocations, distribution, expenditures, and asset tracking at the Federal and State level; and

(2) provide for efficient and accountable purchasing by considering usage of Federal contracts and multi-state cooperative purchasing agreements.

SA 2386. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. ____ TECHNICAL CORRECTIONS.

(a) **IN GENERAL.**—

(1) **REDESIGNATIONS.**—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) **TABLE OF SECTIONS.**—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, “Border tunnels and passages”, and inserting the following:

“555. Border tunnels and passages.”.

(b) **CRIMINAL FORFEITURE.**—Section 982(a)(6) of title 18, United States Code, is amended by striking “554” and inserting “555”.

(c) **DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.**—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking “554” and inserting “555”.

SA 2387. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:
SEC. 536. SEXUAL ABUSE.

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking “the Attorney General” each place that term appears and inserting “the head of any Federal department or agency”.

SA 2388. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. HUTCHISON, Mr. CORNYN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Border Law Enforcement Relief Act of 2007”.

SEC. 602. BORDER RELIEF GRANT PROGRAM.

(a) **GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such

agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) **DURATION.**—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) **COMPETITIVE BASIS.**—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) **USE OF FUNDS.**—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) **CONTENTS.**—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) **DEFINITIONS.**—For the purposes of this section:

(1) **ELIGIBLE LAW ENFORCEMENT AGENCY.**—The term “eligible law enforcement agency” means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) **HIGH IMPACT AREA.**—The term “High Impact Area” means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Department of Homeland Security.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) **DIVISION OF AUTHORIZED FUNDS.**—Of the amounts authorized under paragraph (1)—

(A) % shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) $\frac{1}{3}$ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) **SUPPLEMENT NOT SUPPLANT.**—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 603. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 2389. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. FLEXIBILITY OF FEDERAL FUNDS FOR ROAD HOME PROGRAM.

(a) **PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2) and notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency may not prohibit or restrict the use, by the State of Louisiana under the Road Home Program of such State, of any amounts specified in paragraph (3) based upon the existence or extent of any requirement or condition under such program that—

(A) limits or reduces the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(B) waives the applicability of any limitation or reduction referred to in subparagraph (A) for homeowners who are elderly or senior citizens.

(2) **SAVINGS PROVISION.**—Except as provided in paragraph (1), all other provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts specified in paragraph (3) that are used by the State of Louisiana under the Road Home Program of such State.

(3) **COVERED AMOUNTS.**—The amounts specified in this paragraph is \$1,170,000,000 designated for Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program of the Federal Emergency Management Agency to the State of Louisiana as of June 1, 2007.

(4) **EXPEDITED TRANSFER OF FUNDS.**—

(A) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency shall, as soon as is practicable, transfer the amounts specified in paragraph (3) to the State of Louisiana.

(B) **PROCEDURES.**—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to be applied to all funds made available to the State of Louisiana as a result of Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) that will simplify the requirements of such program and ensure the expedited distribution of such funds under the program, including—

(i) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by similar project type, similar geographic factors, or other similarities making group cost-benefit analysis more feasible and constructive rather than on a structure-by-structure basis; and

(ii) developing a streamlined environmental review process to significantly speed the approval of project applications.

(b) **REPORTING REQUIREMENT.**—The Administrator of the Federal Emergency Management Agency shall provide quarterly reports to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

(1) specific mechanisms that are being utilized to expedite funding distribution under this section; and

(2) how such mechanisms are performing.

SA 2390. Ms. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert after:

SEC. 536. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SA 2391. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. RISK MANAGEMENT AND ANALYSIS SPECIAL EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC GAMES.

As soon as practicable, but not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the plans of the Secretary of Homeland Security relating to—

(1) implementing the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007, with specific funding strategies for—

(A) the Multiagency Coordination Center; and

(B) communications exercises to validate communications pathways, test equipment, and support the training and familiarization of personnel on the operations of the difference technologies used to support the 2010

Vancouver Olympic and Paralympic Games; and

(2) the feasibility of implementing a program to prescreen individuals traveling by rail between Vancouver, Canada and Seattle, Washington during the 2010 Vancouver Olympic and Paralympic Games, while those individuals are located in Vancouver, Canada, similar to the preclearance arrangements in effect in Vancouver, Canada for certain flights between the United States and Canada.

SA 2392. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE ON IMMIGRATION.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating

certain spending as “emergency spending” in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2) in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bill to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

SA 2393. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 10, after “as needed:” insert the following: “*Provided further*, That in allocating grants funded under this heading, the Secretary of Homeland Security shall consider the risk to a State of a natural disaster and the risk to a State of a natural disaster that may substantially affect farming, ranching, or aquaculture operations: *Provided further*, That not later than 30 days before the date that applications for grants to States funded under this heading are to be submitted to the Secretary of Homeland Security, the Secretary shall make available to States the risk methodology and other factors that will be used to allocate such grants.”.

SA 2394. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. PRIORITIZATION OF FLOODPLAIN MAPS.

(a) REVIEWING, UPDATING, AND MAINTAINING MAPS.—The Administrator of the Federal Emergency Management Agency shall establish an ongoing program under which the Administrator shall review, update, and maintain floodplain maps in accordance with this section.

(b) MAPPING.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Administrator shall establish a system of priority to identify, review, update, maintain, and publish floodplain maps with respect to all areas located within the 100-year floodplain.

(2) HIGHEST PRIORITY.—The priority system required under paragraph (1) shall set as its highest priority the mapping of any floodplain located in an area that was, in the 5 years prior to the date of enactment of this Act, subject to a declaration by the President of a major disaster (as that term is defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) due to a natural disaster.

SA 2395. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 536. (a) LIGHTWEIGHT DECONTAMINATION SYSTEMS FOR THE NATIONAL GUARD.—

(1) ADDITIONAL AMOUNT FOR OFFICE OF HEALTH AFFAIRS.—The amount appropriated by title III under the heading “OFFICE OF HEALTH AFFAIRS” is hereby increased by \$20,000,000.

(2) AVAILABILITY.—Of the amount appropriated by title III under the heading “OFFICE OF HEALTH AFFAIRS”, as increased by paragraph (1), the amount available for bio-surveillance, biowatch, chemical response, and related activities for the Department of Homeland Security is hereby increased by \$20,000,000, with the amount of the increase to be available for the procurement of lightweight decontamination systems for the National Guard.

(b) OFFSETS.—

(1) OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT.—The amount appropriated by title I under the heading “OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT” is hereby decreased by \$10,000,000.

(2) OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.—The amount appropriated by title I under the heading “OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT” is hereby decreased by \$10,000,000.

SA 2396. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. LIMITATION ON COST OF PASSPORT ALTERNATIVE.

Notwithstanding any cost recovery requirement established by the Director of the Office of Management and Budget or other

provision of law, the Secretary of Homeland Security and the Secretary of State may not charge a fee in an amount greater than \$20 for any passport card or similar travel document issued pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

SA 2397. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, between after line 24, add the following:

SEC. 536. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the “program”).

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator shall make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 544(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms “air carrier” and “foreign air carrier” have the meaning given such terms in section 40102 of title 49, United States Code.

SA 2398. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 6, before the period, insert the following: “: *Provided further*, That notwithstanding any other provision of law, the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as ‘in-service’): *Provided further*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service”.

SA 2399. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DOCUMENT VERIFICATION TECHNOLOGY.

(a) PILOT PROGRAM.—No later than 180 days after enactment of this Act, the Secretary of Homeland Security, using funds appropriated by this Act, shall implement a pilot program to test automated document authentication technology at United States ports-of-entry to determine the effectiveness of the technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) REPORT.—Within 90 days after the date on which the pilot program under subsection (a) is completed, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) on the results of the pilot program.

SA 2400. Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Pro-

tection may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)));

(B) imports such drug by transporting it on their person; and

(C) while importing such drug, only transports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2401. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, beginning in line 15, strike “and of which \$770,079,000 shall be available until September 30, 2012, for the Integrated Deepwater Systems program: *Provided*,” and insert “of which \$767,079,000 shall be available until September 30, 2012 for the Integrated Deepwater Systems program, and of which \$3,000,000 shall be available until September 30, 2009, for an Analysis of Alternatives of the Integrated Deepwater Systems program: *Provided*, That no funds shall be available for procurement of additional major assets as part of the Integrated Deepwater Systems program not already under contract until the Analysis of Alternatives has been completed: *Provided further*, That no funds shall be available for procurement of the third National Security Cutter until an Analysis of Alternatives has been completed by an independent qualified third party: *Provided further*,”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 31, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on renewable fuels infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Wash-

ington, DC 20510-6150, or by e-mail to britni_rillera@energy.senate.gov.

For further information, please contact Tara Billingsley or Britni Rillera.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, August 1, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on recent advances in clean coal technology, including the prospects for deploying these technologies at a commercial scale in the near future.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Michael Carr or Rachel Pasternack.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, August 7, 2007, from 9 to 11 a.m., in the Galisteo Room of the Albuquerque Convention Center, 401 2nd Street, Albuquerque, New Mexico.

The purpose of this hearing is to receive testimony on Reducing Barriers to Growth of Emerging Energy Technologies—Relationships Between Federal, State and Local Governments.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Jonathan Epstein or Rachel Pasternack.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 26, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Charles W. Grim to be Director of the Indian Health Service.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, July 24, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to explore efforts to protect children from online predators.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 24, 2007 at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on oversight of Government tax policy in farm country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, 2007, at 10 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, 2007, at 2:15 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, 2007, at 4 p.m. to hold a briefing on the Gulf Security Dialogue.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 24, 2007, at 10 a.m. to consider the nomination of the Honorable James A. Nussle to be Director of the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate

Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled "Oversight of the U.S. Department of Justice" on Tuesday, July 24, 2007, at 9:30 a.m. in the Hart Senate Office Building room 216.

Witness List: The Honorable Alberto Gonzales, Attorney General of the United States, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 24, to conduct a vote on the nomination of Charles L. Hopkins to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement). The Committee will meet in the Reception Room, off the Senate Floor, immediately after the first roll call vote that occurs after 2 p.m. of the Senate on Tuesday, July 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 24, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRIVATE SECTOR AND CONSUMER SOLUTIONS TO GLOBAL WARMING AND WILDLIFE PROTECTION

Mr. BROWN. Mr. President, I ask unanimous consent that the Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection be authorized to meet during the session of the Senate on Tuesday, July 24, 2007, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled "Economic and International Issues in Global Warming Policy."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. I ask unanimous consent that the following Appropriations Committee staff members and interns be granted the privilege of the floor during consideration of the Homeland Security appropriations bill and any votes that may occur in relation to the bill: Carol Cribbs, Mark Van de Water, Braxton Coombs, Lori Holland, Chase Thompson, and Mary Agnes Ray.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Adam Morrison, a detainee from the Coast Guard to the Homeland Security Subcommittee, be given the privilege of the floor throughout floor consideration of H.R. 2638.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING TITLE XVIII OF THE SOCIAL SECURITY ACT

Mr. REID. I ask unanimous consent the Finance Committee be discharged from further consideration of H.R. 2429 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2429) to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed, and the motion to reconsider be laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2429) was ordered to a third reading, was read the third time, and passed.

HONORING DAME LOIS BROWNE EVANS

EXPRESSING APPRECIATION FOR THE PROFOUND PUBLIC SERVICE AND EDUCATIONAL CONTRIBUTIONS OF DONALD JEFFRY HERBERT, FONDLY KNOWN AS "MR. WIZARD"

Mr. REID. I ask unanimous consent it be in order for the Senate to proceed en bloc to consideration of the following calendar items: Calendar No. 277, S. Res. 248; Calendar No. 278, S. Res. 261.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 248) honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth.

A resolution (S. Res. 261) expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as "Mr. Wizard."

There being no objection, the Senate proceeded to consider the resolutions.

Mr. REID. I ask unanimous consent that the resolutions be agreed to, en bloc, the preambles be agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc, and the consideration of these items appear separately in the RECORD, and any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 248 and S. Res. 261) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 248

Whereas Dame Lois Browne Evans was born in 1927 in Bermuda, and attended the Central School and Middle Temple at London's Inns of Court in the United Kingdom;

Whereas, in June 1952, at the age of 26, Dame Lois Browne Evans was called to the London Bar, and the following December called to the Bermuda Bar and opened her own practice;

Whereas Dame Lois Browne Evans became Bermuda's first female barrister and went on to a distinguished career as a leading counsel;

Whereas Dame Lois Browne Evans was a lifelong advocate for the rights of workers and black Bermudians and a prominent member of the Progressive Labour Party (PLP);

Whereas Dame Lois Browne Evans was elected to Parliament in 1963 and became the first black female to serve in Parliament;

Whereas, in 1968, in Bermuda's first general election in which all adults were entitled to vote, Dame Lois Browne Evans was elected the PLP's Parliamentary Leader and became the first female Opposition Leader in the British Commonwealth;

Whereas Dame Lois Browne Evans held the position of Opposition Leader until 1972 and, in 1973, became Jamaica's Honorary Counsel in Bermuda, the first Bermudian to serve in this capacity;

Whereas in 1976 Dame Lois Browne Evans was again elected to Parliament and served as the Opposition Leader until 1985;

Whereas the PLP won its first election in 1998 and Dame Lois Browne Evans was appointed Minister of Legislative Affairs;

Whereas in 1999 Dame Lois Browne Evans became Bermuda's first elected Attorney General and first female Attorney General;

Whereas Dame Lois Browne Evans was Bermuda's longest serving Member of Parliament;

Whereas Dame Lois Browne Evans debated at the historic London and Bermuda Constitutional Conferences and served as a delegate to numerous international conferences in Africa, New Zealand, the United States, and the Caribbean;

Whereas Dame Lois Browne Evans was a member of the International Federation of Women Lawyers and a founding member of the Bermuda Business and Professional Women's Club;

Whereas Dame Lois Browne Evans led an exceptional life in which she played a major role in the racial integration of Bermuda and advanced the cause of civil, human, and minority rights in Bermuda and throughout the world; and

Whereas Dame Lois Browne Evans passed away on May 29, 2007, at the age of 79: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound sympathy to the family of Dame Lois Browne Evans and the citizens of Bermuda on the passing of Dame Lois Browne Evans; and

(2) commends the exemplary lifetime achievements of Dame Lois Browne Evans, her commitment to public service, and the singular role she played as a true pioneer who forged the way ahead for women and minorities.

S. RES. 261

Whereas many citizens of the United States remember Donald Jeffry Herbert as "Mr. Wizard" and mourn his passing;

Whereas Don Herbert was born in Waconia, Minnesota and graduated from the La Crosse State Teacher's College in Wisconsin in 1940 where he trained to be a science teacher;

Whereas Don Herbert volunteered for the United States Army Air Corps and served our country in the Atlantic theater and earned the Distinguished Flying Cross and the Air Medal with 3 oak leaf clusters;

Whereas Don Herbert developed the idea for science programming culminating in "Watch Mr. Wizard", a live television show produced from 1951 to 1964 and honored by a Peabody Award in 1954;

Whereas the National Science Foundation and the American Chemical Society lauded Don Herbert and his show for promoting interest in science and his contributions to science education;

Whereas "Watch Mr. Wizard" has been recognized by numerous awards;

Whereas an additional educational program, "Mr. Wizard's World", inspired children from 1983 to 1990 on cable television;

Whereas "Mr. Wizard" continued to serve as an ambassador for science education by authoring multiple books and programs, and by traveling to schools and providing classroom demonstrations;

Whereas educational research indicates that young children make decisions about future careers at a very early age and are influenced greatly by positive contacts with science and technology;

Whereas a strong education in science and technology is one of the building blocks of a productive, competitive, and healthy society;

Whereas "Mr. Wizard" encouraged children to duplicate his experiments at home, driving independent inquiry into science with simple household equipment;

Whereas "Mr. Wizard's" dynamic and energetic science experiments attracted unprecedented numbers of children to educational programming, even those who were disinterested or unmotivated in science;

Whereas Mr. Wizard Science Clubs were started across the United States and had more than 100,000 children enrolled in 5,000 clubs by the mid-1950s; and

Whereas Don Herbert will be remembered as a pioneer of commercial educational programming and instrumental in making science education exciting and approachable for millions of children across the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation for the profound public service and educational contributions of Donald Jeffry Herbert;

(2) recognizes the profound impact of higher educational institutions that train teachers;

(3) encourages students to honor the heritage of Don Herbert by exploring our world through science, technology, engineering, and mathematics fields; and

(4) tenders condolences to the family of Don Herbert and thanks them for their strong familial support of him.

NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Con. Res. 42.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) recognizing the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis, supporting the designation of a National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 42

Whereas idiopathic pulmonary fibrosis is a serious lung disorder that causes progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is 1 of about 200 disorders that are called "interstitial lung diseases";

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs that causes an irreversible loss of the ability of the lung tissue to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas more than 128,000 people in the United States have idiopathic pulmonary fibrosis, and more than 48,000 new cases are diagnosed each year;

Whereas there has been a 156-percent increase in mortality from idiopathic pulmonary fibrosis since 2001;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under-diagnosed;

Whereas the median survival rate for patients with idiopathic pulmonary fibrosis is 2 to 3 years, about ⅔ of patients with idiopathic pulmonary fibrosis die within 5 years, and approximately 40,000 patients with idiopathic pulmonary fibrosis die each year; and

Whereas there is a pressing need to increase awareness and detection of this misdiagnosed and under-diagnosed disorder, and of all interstitial lung diseases: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis while funding research to help find a cure for this disorder;

(4) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) welcomes the issuance of a proclamation designating an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week; and

(6) supports the goals and ideals of a National Idiopathic Pulmonary Fibrosis Awareness Week.

CONGRATULATING THE ANAHEIM DUCKS FOR WINNING THE 2007 STANLEY CUP CHAMPIONSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 280.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 280) commending the Anaheim Ducks for winning the 2007 Stanley Cup Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today with my friend and colleague from California, Senator BOXER, to commend and congratulate the Anaheim Ducks for winning the 2007 Stanley Cup Finals last month.

The Ducks are champions of the National Hockey League for the first time in their 14-year history. After defeating the Minnesota Wild and Vancouver Canucks in the first two rounds of the playoffs, the Ducks won a hard-fought battle with the Detroit Red Wings to reach the Stanley Cup finals for the second time in franchise history. The Ducks reached the pinnacle of the hockey world by displaying the qualities of selflessness, teamwork, and resilience.

This championship team was ably led by head coach Randy Carlyle and star players Teemu Selanne, Jean-Sebastien Giguere, Scott and Rob Niedermayer, and Chris Pronger. This talented crew battled their opponents throughout a 2-month marathon play-off and proudly wear the title of "champions."

The Ducks' championship represents the first time that the storied Stanley Cup has been able to call my State, California, its home. We Californians are proud to host this trophy, and we look forward to having it return many more times to our state in the future.

The Ducks have begun a new era of hockey in Southern California and I am sure they will attempt to defend their title with the same heart, sacrifice and passion that brought the Stanley Cup to Anaheim this year.

The Ducks have proven that hockey is alive and well in California.

I also look forward to seeing the other hockey franchises in California, the Los Angeles Kings and San Jose Sharks, compete with the Anaheim Ducks for hockey's greatest prize in the coming years.

The Anaheim Ducks players, coaches, management, and owners have made their community and their fans proud. The entire organization is to be commended and congratulated for their magnificent achievement.

Mr. REID. I ask unanimous consent the resolution be agreed to, the pre-

amble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 280) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 280

Whereas, on June 6, 2007, the Anaheim Ducks (referred to in this preamble as the "Ducks") won their first National Hockey League Stanley Cup Championship by defeating the Ottawa Senators by a score of 6 to 2 in the fifth game of the Stanley Cup finals;

Whereas the Ducks are the first National Hockey League franchise to bring the Stanley Cup to the State of California;

Whereas the Ducks won the first Pacific Division Championship and the second Western Conference title in franchise history before winning the Stanley Cup;

Whereas the Ottawa Senators displayed the qualities of worthy opponents and played a hard-fought series against the Ducks;

Whereas the Ducks finished the regular season with the best record in the 13 year history of the franchise, with 48 wins, 20 losses, and 14 overtime losses, for a total of 110 points;

Whereas the Ducks players Francois Beauchemin, Ilya Bryzgalov, Sebastien Caron, Ryan Carter, Joe DiPenta, Ryan Getzlaf, Jean-Sebastien Giguere, Mark Hartigan, Kent Huskins, Chris Kunitz, Ric Jackman, Todd Marchant, Brad May, Andy McDonald, Drew Miller, Travis Moen, Joe Motzko, Scott Niedermayer, Rob Niedermayer, Sean O'Donnell, Samuel Pahlsson, George Parros, Dustin Penner, Corey Perry, Chris Pronger, Aaron Rome, Teemu Selanne, Ryan Shannon, and Shawn Thorton exemplify the team motto, "Heart, Sacrifice, and Passion";

Whereas team captain Scott Niedermayer earned the Conn Smythe Trophy as the most valuable player in the 2007 Stanley Cup Playoffs;

Whereas team and community leader Teemu Selanne won his first Stanley Cup in an illustrious 15 year career that has brought pride and excitement to Orange County, California;

Whereas, under the direction of head coach Randy Carlyle and Assistant Coaches Newell Brown and Dave Farrish, the Ducks have reached the Western Conference Finals in 2 consecutive seasons and have earned a reputation as 1 of the best teams in the league;

Whereas General Manager Brian Burke has exercised impeccable vision in building a strong, competitive, and exciting team in Anaheim;

Whereas team owners Henry and Susan Samueli have infused the Ducks with a winning spirit and have demonstrated an unparalleled commitment to hockey fans and the community;

Whereas Ducks fans are enthusiastic and passionate about the team and the sport of hockey and are integral to the success of the Ducks, and the National Hockey League, in the State of California;

Whereas the Ducks have established a winning tradition in Orange County;

Whereas the Ducks exemplify the championship spirit of the State of California; and

Whereas the Ducks won the 2007 Stanley Cup Championship in a convincing fashion: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Anaheim Ducks for winning their first Stanley Cup Championship;

(2) congratulates the Anaheim Ducks for winning the first Stanley Cup Championship in the history of the State of California; and

(3) commends the players, coaches, managers, and owners of the Anaheim Ducks for their heart, sacrifice, and passion.

ORDERS FOR WEDNESDAY, JULY 25, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, July 25; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that at the close of morning business, the Senate resume consideration of H.R. 2638.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I turn to my distinguished colleague, the Republican leader, and ask if he has any statements.

Mr. MCCONNELL. Mr. President, I have nothing to add. I look forward to making progress on the bill tomorrow.

Mr. REID. I say that the Republican leader wasn't on the floor, but I will repeat for his benefit what I said a little while ago. I spoke to Josh Bolton earlier today about the appropriations bills. Of course, it would be great if we could have an overall scheme as to how we can complete them. In the meantime, if we can get them done, we should proceed through these bills one at a time and recognize that the power of the White House, whether it is a Democratic President, a Republican President in the appropriations process, comes during the conferences, anyway. The House can move things very quickly. So all these are ready to go to conference. I hope we can move through these individual appropriations bills and hopefully have some recognition of what we are going to try to accomplish in conference before we go to conference and work some of these out.

The first test will be this bill we are working on now. There has been some moving on it today. Senator COCHRAN is the one who suggested to me if there is no progress tomorrow, that we should move to third reading. When I say "no progress," people just waiting around, not offering any amendments. So that is where we are. I hope we can finish this soon, do what we need to do on SCHIP, and do the 9/11 conference report, which I understand is almost

finished. When I say almost, 100 percent of it needs to be done, and 99 percent of that has been done.

We have taken out the language the Republicans did not want, especially the President, dealing with the union situation. Even though it was hard for us to swallow, we took that out to make it more palatable to my friends on the other side. We will come back in September rested and invigorated and ready to do some other things for the country.

Mr. McCONNELL. Mr. President, I would add with regard to the appropriations bills, as the majority leader knows, I have said both publicly and to

him privately, it is my preference to pass each of the bills. We are running considerably behind the House. We have got a long way to go, but I think there will be a lot of cooperation on our side in trying to get the appropriations bills signed and get them down to the President. We have a recent history of malfunction on both sides. Last year when the majority was in my party, we failed to pass 11 out of 13 appropriations bills. In 2002, when the Democrats were in the majority, they did the same thing. So there is ample opportunity to point fingers at both sides for not completing the appropriations process as we should. But I would pre-

dict to the majority leader there will be a great deal of cooperation on our side in getting through that, moving as rapidly as possible so we can function as we should.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Wednesday, July 25, 2007, at 9:30 a.m.